

**SWMA
Laws and Regulations Committee
2011 Annual Final Report**

Terence McBride, Chairman
Memphis, TN, Weights and Measures
October 25, 2011
Norfolk, VA

INTRODUCTION

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

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

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96th NCWM Carryover Items

231 UNIFORM PACKAGING AND LABELING REGULATION

231-1 Supplementary Quantity Declarations and 6.14. Qualification of Declaration Prohibited	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
No comments were heard from the floor.	
Recommendation of the Regional Committee:	
Move forward as a voting item.	
Reasons for the committee recommendation:	
Committee supports the proposal as written.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral

Additional Comments:

232 METHOD OF SALE REGULATION

232-1 Section 2.13.4. Declaration of Weight (Polyethylene)	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
No comments were heard from the floor.	
Recommendation of the Regional Committee:	
Move item forward as a voting item, pending agreement on the high density factor.	
Reasons for the committee recommendation:	
Support the item as written pending clarification of high density.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status:	SWMA Position:
<input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	<input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

232-2 Packaged Printer Ink and Toner Cartridges	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
No comments were heard from the floor.	
Recommendation of the Regional Committee:	
Move forward as Voting. The Committee supports this item as written.	
Reasons for the committee recommendation:	
No manufacturer representative was present to provide additional information.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status:	SWMA Position:
<input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	<input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral

Additional Comments:	

232-3 Section 2.33. Vehicle Motor Oil			
Regional Report to NCWM			
Summary of comments considered by the regional committee (in writing or during the open hearings):			
<p>Kevin Ferrick, API, gave a presentation in support of this item, along with 237-6. API routinely samples product in the market to ensure it meets their standards. API has to know the brand when testing in order to take action and enforcement in an effort to protect consumers. Kevin recommended a July, 2013 implementation date if adopted. A NIST Technical Advisor stated that in 3.14 of the Engine Fuels and Automotive Lubricants Regulation it currently requires brand to be stated on the label, and in 6.1.5 (Product Registration) that brand be stated for “engine fuel designed for special use”. A retired official noted that in HB44, effective dates for non-retroactive requirements are always the first of the year.</p>			
Recommendation of the Regional Committee:			
Move forward as a voting item with a July 2013 implementation date if passed.			
Reasons for the committee recommendation:			
Information from floor supports that brands and quality are linked.			
Final updated or revised proposal recommended by the SWMA:			
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i> </td> <td style="width: 50%; vertical-align: top;"> SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral </td> </tr> </table>		SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
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Additional Comments:			

237 ENGINE FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

237-1 Engine Fuel Quality Requirements for Hydrogen
Regional Report to NCWM
Summary of comments considered by the regional committee (in writing or during the open hearings):
<p>A NIST Technical Advisor reported that the USNWG on Hydrogen recommended that Table 1 be deleted and substituted with a reference to SAE J2719. This fuel quality standard for hydrogen by direct reference to SAE standard J2719 is proposed to replace entirely the previous table below that had been developed by the USNWG to</p>

reflect the constituents, maximum allowable levels, and corresponding ASTM test methods. The USNWG had developed the table to be harmonized with the developing SAE J2719 standard. Now that SAE J2719 has been approved for publication, a NIST Handbook 130 standard by direct reference to SAE J2719 is preferred by the FSS to facilitate continued harmonization with the SAE standard and to reflect the precedence of directly referencing SAE and ASTM standards that is set by other fuel quality standards found in **Section 2. Standard Fuel Specifications** (e.g., Gasoline and Gasoline-Oxygenated Blends, Diesel Fuel, Aviation Turbine Fuels, LPG, CNG, etc.).

The USNWG supports the addition of the single sentence direct reference to SAE J2719 above to NIST Handbook 130 for the purpose of meeting the need in the market place for uniformity in hydrogen fuel quality. Publication of the SAE J2719 standard was confirmed by the NIST Technical advisor this morning.

The USNWG will continue to accept input and work on this item as needed until the NCWM interim meeting in January.

The recommended changes are as follows:

2.X. Hydrogen Fuel. – Shall meet the most recent version of SAE J2719, “Hydrogen Fuel Quality for Fuel Cell Vehicles.”

Table 1. Hydrogen Fuel Quality Specification appears as follows:

Table 1. Hydrogen Fuel Quality Specification*

Constituent	Value	Unit	Limit	Test Method(s)	Responsible Standards Committee and Status of test method	
Standard Practice for Gaseous Sampling				ASTM D7606-11		
1	Hydrogen Fuel Index	99.97	%	Minimum	(a)	
2	Total Allowable Non-Hydrogen, Non-Helium, Non-Particulate	100.0	ppm v/v	Maximum	(b)	
3	Total Non-Hydrogen Gases	300.0	ppm v/v	Maximum	(c)	
4	Ammonia	0.1	ppm v/v	Maximum	ASTM D7653-10	
5	Carbon Dioxide	2.0	ppm v/v	Maximum	ASTM D7653-10 ASTM D7649-10	
6	Carbon Monoxide	0.2	ppm v/v	Maximum	ASTM D7653-10	
7	Formaldehyde	0.01	ppm v/v	Maximum	ASTM D7653-10	
8	Formic Acid	0.2	ppm v/v	Maximum	ASTM D7550-09 ASTM D7653-10	
9	Helium	300.0	ppm v/v	Maximum	ASTM D1945-03	
10	Nitrogen and Argon	100.0	ppm v/v	Maximum	ASTM D7649-10	
11	Oxygen	5.0	ppm v/v	Maximum	ASTM D7649-10	
12	Particulate Concentration	1.0	mg/kg	Maximum	ASTM D7650-10 ASTM D7651-10	
13	Total Halogenated Compounds	0.05	ppm v/v	Maximum	to be specified	WK 23815 under ASTM D03.14
14	Total Hydrocarbons	2.0 (d)	ppm v/v	Maximum	ASTM D7675-11	
15	Total Sulfur Compounds	0.004	ppm v/v	Maximum	ASTM D7652-11	
16	Water	5.0	ppm v/v	Maximum	ASTM D7653-10 ASTM D7649-10	

Footnotes to Table 1—

- (a) Hydrogen fuel index = Sum of all non hydrogen gases (as % of sample) subtracted from 100 %.
- (b) Total Allowable Non Hydrogen, Non Helium, Non Particulate = Sum of all constituents listed on the table, except hydrogen, helium, and particulates.
- (c) Total Non Hydrogen Gases = Sum of all constituents listed on the table except hydrogen and particulates.
- (d) Total Hydrocarbons may exceed 2 ppm v/v only due to the presence of methane, provided that the total — gases do not exceed 300 ppm v/v.

* The FTC's Fuel Rating Rule (16 CFR Part 309 see the requirements in "Labeling of Alternative Fuels" at <http://www.ftc.gov/bcp/edu/pubs/business/autos/bus29.shtm>) requires dispensers to bear a declaration of the minimum percent of hydrogen determined according to test methods described in "Standard Test Method for Analysis of Natural Gas by Gas Chromatography (ASTM D1946).

Updated 7/12/2011

Recommendation of the Regional Committee:

Move the item forward as voting.

Reasons for the committee recommendation:			
Supports recommendation of USNWG.			
Final updated or revised proposal recommended by the SWMA:			
<table border="1"> <tr> <td> SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i> </td> <td> SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral </td> </tr> </table>		SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
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Additional Comments:			

237-2 Definitions for Hydrogen Fuel for Internal Combustion Engines and Fuel Cell Vehicles
Regional Report to NCWM
Summary of comments considered by the regional committee (in writing or during the open hearings):
<p>A NIST Technical advisor stated that he USNWG held a meeting on Oct. 12, 2011 to allow for further discussion and to take into account comments heard at the NCWM in July of 2011. Final approval of the update was confirmed during this meeting.</p> <p>The definitions appear with the proposed changes as follows:</p> <p>1.XX. Fuel Cell. – An electrochemical energy conversion device in which fuel and an oxidant react to generate energy <u>electricity</u> without <u>any</u> consumption, <u>physically or chemically</u>, of its electrodes or electrolytes. (Added 201X)</p> <p>1.XX. Hydrogen Fuel. – A fuel composed of the chemical-molecular <u>hydrogen</u> intended for consumption in a surface vehicle <u>or electricity production device</u> with an internal combustion engine or fuel cell. (Added 201X)</p> <p>1.XX. Internal Combustion Engine. – A device used to generate power by converting chemical energy bound in the fuel <u>via spark-ignition or compression ignition combustion</u> into mechanical work to power a vehicle <u>or other device</u>. (Added 201X)</p> <p>In addition, it is proposed that the scope of Item 237-2 be expanded to include the following revision to NIST Handbook 130 – IV. Uniform Regulations - B. Uniform Regulation for the Method of Sale of Commodities, Section 2. Non-food Products, Paragraph 2.32.1. Definitions for Hydrogen Fuel. as follows:</p> <p>2.32.1. Definitions for Hydrogen Fuel. – A fuel composed of the chemical-molecular <u>hydrogen</u> intended for consumption in <u>a surface vehicle or electricity production device with</u> an internal combustion engine or fuel cell.</p> <p>The purpose of adding this change to the Method of Sale Regulation is to avoid confusion and maintain consistency between the definitions of Hydrogen Fuel found in the two sections of NIST Handbook 130 –IV. Uniform Regulations (i.e., the Method of Sale Regulation and the Engine Fuels and Automotive Lubricants Regulation).</p>

The USNWG will continue to accept input and work on this item as needed until the NCWM interim meeting in January.	
Recommendation of the Regional Committee:	
Move forward as voting.	
Reasons for the committee recommendation:	
Supports recommendation of USNWG.	
Final updated or revised proposal recommended by the SWMA:	
The definitions appear with the proposed changes as follows: <p>1.XX. Fuel Cell. – An electrochemical energy conversion device in which fuel and an oxidant react to generate energy <u>electricity</u> without <u>any</u> consumption, <u>physically or chemically</u>, of its electrodes or electrolytes. (Added 201X)</p> <p>1.XX. Hydrogen Fuel. – A fuel composed of the chemical <u>molecular</u> hydrogen intended for consumption in a surface vehicle <u>or electricity production device</u> with an internal combustion engine or fuel cell. (Added 201X)</p> <p>1.XX. Internal Combustion Engine. – A device used to generate power by converting chemical energy bound in the fuel <u>via spark-ignition or compression ignition combustion</u> into mechanical work to power a vehicle <u>or other device</u>. (Added 201X)</p> <p>In addition, it is proposed that the scope of Item 237-2 be expanded to include the following revision to NIST Handbook 130 – IV. Uniform Regulations - B. Uniform Regulation for the Method of Sale of Commodities, Section 2. Non-food Products, Paragraph 2.32.1. Definitions for Hydrogen Fuel. as follows:</p> <p>2.32.1. Definitions for Hydrogen Fuel. – A fuel composed of the chemical <u>molecular</u> hydrogen intended for consumption in <u>a surface vehicle or electricity production device</u> with an internal combustion engine or fuel cell.</p>	
SWMA recommendation to NCWM for item status:	SWMA Position:
<input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	<input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

237-3 Section 3.15. Biodiesel and Biodiesel Blends
Regional Report to NCWM
Summary of comments considered by the regional committee (in writing or during the open hearings):
A representative of the National Biodiesel Board conveyed a message on behalf of the chairman of the (FALS) Biodiesel Disclosure Task Group Subcommittee, that it will meet before the Interim and provide a report to FALS for the L&R Committee.

Recommendation of the Regional Committee:	
Item remain Informational.	
Reasons for the committee recommendation:	
The FALS committee is currently gathering information on this item.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status: <input type="checkbox"/> Voting Item on the NCWM Agenda <input checked="" type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

237-4 Section 2.1.2. Gasoline-Oxygenated Blends	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
An industry representative expressed support for the item with two exceptions: 1) keeping the 1.0 psi waiver in 2.1.3 a; and 2) that 2.1.3.a2 be modified by changing 10% ethanol to 15% ethanol. ASTM needs to take action to recognize the effect of ethanol on gasoline vapor pressure. Removal of the waiver by NCWM would result in an estimated 2.5 volume % of the available gasoline pool in order to comply with more stringent ASTM specification limits.	
Recommendation of the Regional Committee:	
Move to a Voting item with the recommended amendment and exceptions as stated above.	
Reasons for the committee recommendation:	
Will harmonize HB130 with ASTM D4814 while allowing ASTM time to make necessary changes.	
Final updated or revised proposal recommended by the SWMA:	
Support for the item with two exceptions: 1) keeping the 1.0 psi waiver in 2.1.3 a; and 2) that 2.1.3.a2 be modified by changing 10% ethanol to 15% ethanol.	
SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

237-5 Section 2.1.4. Minimum Motor Octane Number	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
No comments were heard.	
Recommendation of the Regional Committee:	
Item remain Informational.	
Reasons for the committee recommendation:	
CRC studies are being conducted to provide data for this proposal.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status:	SWMA Position:
<input type="checkbox"/> Voting Item on the NCWM Agenda <input checked="" type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	<input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

237-6 Section 3.13.1. Labeling of Vehicle Motor Oil	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
Kevin Ferrick, API representative stated that the presentation given earlier in the day also applies here. API has to know the brand when testing in order to take action and enforcement in an effort to protect consumers. Kevin recommended a July implementation date if adopted.	
Recommendation of the Regional Committee:	
Move to a voting item with a July 2013 implementation date if passed.	
Reasons for the committee recommendation:	
New information was provided by API.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status:	SWMA Position:
<input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	<input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

260 NIST HANDBOOK 133

260-1 Section 2.3.8. Moisture Allowance - Moisture Loss for Products Not Listed	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
A NIST Technical Advisor noted that this is not a NIST workgroup but a NCWM workgroup and it is in need of a new chairman. No other comments were made from the floor. There is value in developing a process whether states decide individually to use, or whether it is used as a tool for bringing items before the NCWM for national consideration and uniformity. Regions are being asked to provide input.	
Recommendation of the Regional Committee:	
Item to remain informational until a new chair can be identified.	
Reasons for the committee recommendation:	
More information on the direction is needed.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status: <input type="checkbox"/> Voting Item on the NCWM Agenda <input checked="" type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

260-2 Section 4.7. Polyethylene Sheeting - Test Procedure - Footnote Step 3	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
No comments were heard on this item.	
Recommendation of the Regional Committee:	
Move item forward as Voting pending agreement on the high density factor.	
Reasons for the committee recommendation:	
Support the item as written pending clarification of high density.	
Final updated or revised proposal recommended by the SWMA:	

SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

260-3 Section 2.3.8 Moisture Allowance - Pasta Products	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings): No comments were made.	
Recommendation of the Regional Committee: Item move forward to Voting.	
Reasons for the committee recommendation: It appears as if proper protocol has been followed by the pasta industry. If states do not support, it is recommended that the reason be stated so their issue(s) can be discussed and addressed.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

270 OTHER ITEMS – DEVELOPING ITEMS

270-1 D Fuels and Lubricants Subcommittee (FALS)	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings): FALS committee continues to develop and propose new items.	
Recommendation of the Regional Committee: No action needed.	
Reasons for the committee recommendation:	

Developmental item.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status: <input type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input checked="" type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

270-2 D Packaging and Labeling Subcommittee (PALS)	
Regional Report to NCWM	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
PALS chairman stated the goal is to have a meeting before the 2012 NCWM Interim. Technology will be used as much as possible to minimize and help eliminate physical meetings. 9 members will be on the committee; 4 from industry, 4 officials (one from each region) and the chair person. If interested, please contact Chris Guay.	
Recommendation of the Regional Committee:	
No action needed.	
Reasons for the committee recommendation:	
Developmental item.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status: <input type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input checked="" type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

New Items

NEW - SWMA ITEM – 1
Regional Report to NCWM
Title: HB 130 Clarification of Terminology
Source: Steve Malone

Purpose: To clarify that Weights and Measures programs only provide the consumer the ability to make price and quantity comparisons, not the ability to make quality comparisons.

Summary of comments considered by the regional committee (in writing or during the open hearings):

A NIST Technical Advisor noted that a change in language could cause a conflict with some state statutes who adopt the Weights and Measures Law. It was also noted that FPLA consistently uses the term "value comparison".

Recommendation of the Regional Committee:

Move forward as Informational.

Reasons for the committee recommendation:

The Committee feels the item has merit and warrants further discussion.

Final updated or revised proposal recommended by the SWMA:

NIST Handbook 130 Proposed Changes of Value Comparisons

Amend the Uniform Weights and Measures Law as follows:

Section 12. Powers and Duties of the Director

(n) prescribe, by regulation, the appropriate term or unit of weight or measure to be used, whenever the director determines that an existing practice of declaring the quantity of a commodity or setting charges for a service by weight, measure, numerical count, time, or combination thereof, does not facilitate **value quantity** comparisons by consumers, or offers an opportunity for consumer confusion;

Amend the Packaging and Labeling Regulation as follows:

Section 13. Retail Sale Price Representations

13.1. "Cents off" Representations.

(c) No "cents off" promotion shall be made available in any circumstances where it is known or there is reason to know that it will be used as an instrumentality for deception or for frustration of **value price** comparison; e.g., where the retailer charges a price that does not fully pass on to the consumers the represented price reduction or where the retailer fails to display the regular price in the display area of the "cents off" marked product.

13.2. Introductory Offers.

(d) No introductory offer with a "cents off" representation shall be made available in any circumstance where it is known or there is reason to know that it will be used as an instrumentality for deception or for frustration of **value price** comparison; e.g., where the retailer charges a price that does not fully pass on to consumers the represented price reduction.

Amend the Unit Pricing Regulation as follows:

1. Background (Paragraphs 4 and 5)

The NCWM eliminated the table of product groupings because it is difficult to keep it current and inclusive, so some newer products were not included under the uniform requirements. The table was replaced with requirements that specify that the unit price is to be based on price per ounce or pound, or price per 100 grams or kilogram, if the packaged commodity is labeled by weight. For example, the proposed revisions would require the unit price for soft drinks sold in various package sizes (e.g., 12 fl oz cans through 2 L bottles) to be uniformly and consistently displayed in terms of either price per fluid ounce, price per quart, or price per liter. The NCWM also increased the price of commodities exempted from unit pricing from 10cents to 50cents. The NCWM believed these revisions would ensure that unit pricing information facilitates **value price** comparison between different package sizes and/or brands offered for sale in a store.

The NCWM also considered several comments on this item from members of the U.S. Metric Association (USMA). Most of these comments suggested that the UPR be amended to require unit pricing in metric units and permit inch-pound unit pricing to be provided voluntarily. When it developed the proposed revisions, the NCWM included guidelines for both inch-pound and metric unit pricing and believes this is the correct approach to implementing metric revisions in the regulation. The NCWM would like to make it clear that the UPR applies only when stores voluntarily provide unit pricing information. Its purpose is to provide a standard that retailers must follow to ensure that consumers will have pricing information that helps them make **value price** comparisons. The decision to provide unit price information in metric or inch-pound units rests with retailers who will respond to consumer preference. The NCWM believes that consumer preference will be the deciding factor as to when and how quickly metric unit pricing is used in the marketplace. Therefore, the NCWM does not support amendments to include mandatory provisions in the UPR as these provisions would take the decision to go to metric unit pricing out of the hands of consumers and retailers. Finally, the NCWM does not want to include any requirement that may discourage retailers from voluntarily providing unit price information.

Amend Handbook 130 Interpretations and Guidelines as follows:

2.2.7. Aerosol Packaged Products

3. Since the labeling of aerosol packaged products by volume cannot be compared with the labeling of such products in terms of net weight, labeling in terms of volume and weight inhibits **value quantity** comparisons and causes consumer confusion with respect to the quantity of product the consumer is buying and can be a form of deceptive labeling.

2.3.15. Bulk Sales

3. Present methods of sale and advertising are often misleading.

Suggestions were made that advertising on a "wrapped weight" basis would properly inform the consumer. However, it was pointed out that a typical purchaser does not know what "wrapped weight" is (i.e., gross weight). Moreover, selling packaged goods on a gross weight basis is illegal; it thwarts **value quantity** comparison with other products sold by net weight.

2.6.1. Retail Gas Sales and Metric Price Computations in General

The National Institute of Standards and Technology published equivalent rounded values for metric equivalents of inch-pound units should be used. They are:

3.785 411 784 liters = 1 gallon
0.264 172 052 4 gallon = 1 liter

A "Rule of Reason" should apply to the corrected value so that the value used is consistent with the quantity of the transaction. The converted value should never have fewer than four significant digits and should have at least the same number of significant digits as the number of significant digits in the quantity of product being converted. For example, if a 1000 gal delivery were to be converted to liters the value would be 3785 liters; for 10 000 gal, 37 854 liters; for 100 gal, 378.5 L.

In the case of expressing a unit price equivalent for consumer **value price and quantity** comparisons in retail gasoline sales, the following formula should be used: (advertised, posted, or computing device unit price per liter) x 3.785 = (equivalent unit price per gallon, rounded to the nearest 1/10 cent.)

2.6.14. Labeling Guidelines for Chamois

2.6.14.2. Declaration of Net Quantity of Contents. - The following information is required to appear on the lower 30 % of the principal display panel of all packages:

Count

- The package must include a count declaration (e.g., 1 Chamois) unless the statement of identity clearly expresses the fact that only one unit is contained in the package. A package containing two or more units shall bear a statement in terms of count (e.g., 2 Chamois).

Area

- Chamois packages must have area declarations in both inch-pound and metric units.

Metric

- For areas that measure less than 1 m², the area shall be stated in square decimeters and decimal fractions of a square decimeter or in square centimeters and decimal fractions of a square centimeter;
- For areas that measure 1 m² or more, the area shall be stated in square meters and decimal fractions to not more than three places.

To facilitate **value quantity** comparison and simplify the measurement process, chamois should be measured in one quarter square foot (2.322 57 decimeter) increments. Dimensions should be rounded down to avoid overstating the area.

2.6.15.2. Declaration of Net Quantity of Contents.- The following information must appear on the lower 30 % of the principal display panel of all packages:

- Count

The package must include a count declaration (e.g., 1 sponge) unless the statement of identity clearly expresses the fact that only one unit is contained in the package. A package containing two or more units shall bear a statement in terms of count (e.g., 2 sponges).

- Dimensions

The package must include the dimensions of the sponges in inches and centimeters.

To facilitate **value quantity** comparison and simplify the measurement process, sponges should be measured in ½ in (1 cm) increments. Dimensions should be rounded down to avoid overstating the size of a sponge.

<p>SWMA recommendation to NCWM for item status:</p> <p><input type="checkbox"/> Voting Item on the NCWM Agenda</p> <p><input checked="" type="checkbox"/> Information Item on the NCWM Agenda</p> <p><input type="checkbox"/> Withdraw the Item from the NCWM Agenda</p> <p><input type="checkbox"/> Developing Item on the NCWM Agenda</p> <p><input type="checkbox"/> Unable to consider at this time</p> <p><input type="checkbox"/> Other: <i>(Please Describe)</i></p>	<p>SWMA Position:</p> <p><input checked="" type="checkbox"/> Supports</p> <p><input type="checkbox"/> Opposes</p> <p><input type="checkbox"/> Split</p> <p><input type="checkbox"/> Neutral</p>
<p>Additional Comments:</p>	

NEW - SWMA ITEM – 2

Title: HB 130 Method of Sale - Section 2.23 (Animal Bedding)	
Source: Rich Whiting for American Wood Fibers	
Purpose: Disallow pre-compression volume statements on packages of compressed animal bedding.	
Summary of comments considered by the regional committee (in writing or during the open hearings): An industry representative stated that declaring a pre-compressed volume is potentially deceptive, and that consumers and inspectors cannot verify.	
Recommendation of the Regional Committee: Move to Voting item.	
Reasons for the committee recommendation: If the pre-compressed volume cannot be verified it should not be stated on packages.	
Final updated or revised proposal recommended by the SWMA:	
<p>Amend NIST Handbook 130 Packaging and Labeling Regulation as follows:</p> <p>10.11. Statements of Cubic Measure in Compressed Form. When the content declaration on a commodity sold in compressed form is stated in terms of cubic measure, an additional statement may indicate the amount of material from which the final product was compressed. The amount in such statement shall not exceed the actual amount of material that can be recovered. (Added 1993)</p> <p>Amend NIST Handbook 130 Method of Sale Regulation as follows:</p> <p>2.23. Animal Bedding. – Packaged animal bedding of all kinds, except for baled straw, shall be sold by volume, that is, by the cubic meter, liter, or milliliter and by the cubic yard, cubic foot, or cubic inch. If the commodity is packaged in a compressed state, the quantity declaration shall include both the quantity in the compressed state and the usable quantity that can be recovered. <u>No quantity declarations for compressed animal bedding packages shall include pre-compression volume statements.</u></p>	
SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

NEW - SWMA ITEM - 3
Regional Report to NCWM
Title: HB 130 – Section 10.3. Aerosols and Similar Pressurized Containers

Source: Commonwealth of MA Division of Standards	
Purpose: To allow the quantity statement in terms of weight for packages utilizing the Bag on Valve (BOV) technology where the propellant is not expelled when the valve is activated. Section 10.3 now requires aerosols and similar pressurized containers that expel the propellant along with the product to disclose the net quantity in terms of weight.	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
Concern was expressed by an industry Weights and Measures consultant over an acceptable test procedure that would be used if volume was permitted. A NIST advisor noted that no specific language has been proposed. Another NIST advisor noted that section 6.4 of the UPLR says “any net content statement that does not permit price and quantity comparison is forbidden”. It was further noted that section 10.3 applies to aerosols <u>and</u> similar pressurized containers. Only one manufacturer has provided input to this proposal. The National Aerosol Association (NAA) has been contacted for input into this proposal. Membership will be polled and a position provided to the NCWM. Preliminary comment by NAA is that BOV technology or versions of it has been around since the 1990’s. The Board member of the NAA contacted believes BOV technology is considered an aerosol, basing his opinion on a California Air Resources Board Regulation.	
Recommendation of the Regional Committee:	
Move forward as Developmental.	
Reasons for the committee recommendation:	
The item needs proposed language and is awaiting a response from the NAA. Test procedures need to be discussed if a volume statement is being considered.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status:	SWMA Position:
<input type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input checked="" type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>Return to submitter for development</i>	<input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

NEW - SWMA ITEM - 4
Regional Report to NCWM
Title: HB 130 – Uniform Weights and Measures Law, Section 1. Definitions
Source: NIST Weights and Measures Division
Purpose: To harmonize definitions in the Uniform Weights and Measures Law with the most current ones found in the “International Vocabulary of Metrology – Basic and general concepts and associated terms (VIM)”, 3 rd Edition (2008).
Summary of comments considered by the regional committee (in writing or during the open hearings):
No comments were heard.

Recommendation of the Regional Committee:
Move forward as Informational.
Reasons for the committee recommendation:
Provide states more time for internal review.
Final updated or revised proposal recommended by the SWMA:
<p>1.14. Calibration. – A set of operations which establishes, under specified conditions, the relationship between values indicated by a measuring instrument or measuring system, or values represented by a material measure, and the corresponding known values of a measurand. (Added 2005)</p> <p><u>operation that, under specified conditions, in a first step, establishes a relation between the quantity values with measurement uncertainties provided by measurement standards and corresponding indications with associated measurement uncertainties and, in a second step, uses this information to establish a relation for obtaining a measurement result from an indication</u></p> <p><u>NOTE 1 A calibration may be expressed by a statement, calibration function, calibration diagram, calibration curve, or calibration table. In some cases, it may consist of an additive or multiplicative correction of the indication with associated measurement uncertainty.</u></p> <p><u>NOTE 1 Calibration should not be confused with adjustment of a measuring system, often mistakenly called “self-calibration”, nor with verification of calibration.</u></p> <p><u>NOTE 3 Often, the first step alone in the above definition is perceived as being calibration.</u></p> <p><u>(Added 2005, Amended 2012)</u></p> <p>1.15. Metrological Traceability. – The property of the result of a measurement or the value of a standard whereby it can be related to stated references, usually national or international standards, through an unbroken chain of comparisons all having stated uncertainties. (Added 2005)</p> <p><u>property of a measurement result whereby the result can be related to a reference through a documented unbroken chain of calibrations, each contributing to the measurement uncertainty</u></p> <p><u>NOTE 1 For this definition, a ‘reference’ can be a definition of a measurement unit through its practical realization, or a measurement procedure including the measurement unit for a non-ordinal quantity, or a measurement standard.</u></p> <p><u>NOTE 2 Metrological traceability requires an established calibration hierarchy.</u></p> <p><u>NOTE 2 Specification of the reference must include the time at which this reference was used in establishing the calibration hierarchy, along with any other relevant metrological information about the reference, such as when the first calibration in the calibration hierarchy was performed.</u></p> <p><u>NOTE 4 For measurements with more than one input quantity in the measurement model, each of the input quantity values should itself be metrologically traceable and the calibration hierarchy involved may form a branched structure or a network. The effort involved in establishing metrological traceability for each input quantity value should be commensurate with its relative contribution to the measurement result.</u></p> <p><u>NOTE 5 Metrological traceability of a measurement result does not ensure that the measurement uncertainty is adequate for a given purpose or that there is an absence of mistakes.</u></p> <p><u>NOTE 6 A comparison between two measurement standards may be viewed as a calibration if the comparison is used to check and, if necessary, correct the quantity value and measurement uncertainty attributed to one of the measurement standards.</u></p>

NOTE 7 The ILAC considers the elements for confirming metrological traceability to be an unbroken **metrological traceability chain** to an **international measurement standard** or a **national measurement standard**, a documented measurement uncertainty, a documented measurement procedure, accredited technical competence, metrological traceability to the SI, and calibration intervals (see ILAC P-10:2002).

NOTE 8 The abbreviated term “traceability” is sometimes used to mean ‘metrological traceability’ as well as other concepts, such as ‘sample traceability’ or ‘document traceability’ or ‘instrument traceability’ or ‘material traceability’, where the history (“trace”) of an item is meant. Therefore, the full term of “metrological traceability” is preferred if there is any risk of confusion.

(Added 2005, Amended 2012)

1.16. Measurement Uncertainty - A parameter associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the measurand.

(Added 2005)

non-negative parameter characterizing the dispersion of the **quantity values** being attributed to a **measurand**, based on the information used

NOTE 1 Measurement uncertainty includes components arising from systematic effects, such as components associated with **corrections** and the assigned quantity values of **measurement standards**, as well as the **definitional uncertainty**. Sometimes estimated systematic effects are not corrected for but, instead, associated measurement uncertainty components are incorporated.

NOTE 2 The parameter may be, for example, a standard deviation called **standard measurement uncertainty** (or a specified multiple of it), or the half-width of an interval, having a stated **coverage probability**.

NOTE 3 Measurement uncertainty comprises, in general, many components. Some of these may be evaluated by **Type A evaluation of measurement uncertainty** from the statistical distribution of the quantity values from series of **measurements** and can be characterized by standard deviations. The other components, which may be evaluated by **Type B evaluation of measurement uncertainty**, can also be characterized by standard deviations, evaluated from probability density functions based on experience or other information.

NOTE 4 In general, for a given set of information, it is understood that the measurement uncertainty is associated with a stated quantity value attributed to the measurand. A modification of this value results in a modification of the associated uncertainty.

(Added 2005, Amended 2012)

1.19. Standard, Reference Measurement - A standard, generally of the highest metrological quality available at a given location, from which measurements made at that location are derived.

measurement standard designated for the **calibration** of other measurement standards for **quantities** of a given **kind** in a given organization or at a given location

(Added 2005, Amended 2012)

The term “reference standards” means the physical standards of the state that serve as the legal reference from which all other standards for weights and measures within that state are derived.

(Added 2005)

1.20. Standard, Working Measurement - A standard that is usually calibrated against a reference standard, and is used routinely to calibrate or check material measures, measuring instruments or reference materials.

measurement standard that is used routinely to calibrate or verify **measuring instruments** or **measuring systems**

The term “working standards” means the physical standards that are traceable to the reference standards through

comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and regulations.

(Added 2005)

NOTE 1 A working measurement standard is usually calibrated with respect to a **reference measurement standard**.

NOTE 2 In relation to **verification**, the terms “check standard” or “control standard” are also sometimes used.

(Added 2005, Amended 2012)

1.21. Metrological Traceability Chain - sequence of **measurement standards** and **calibrations** that is used to relate a **measurement result** to a reference

NOTE 1 A metrological traceability chain is defined through a **calibration hierarchy**.

NOTE 2 A metrological traceability chain is used to establish **metrological traceability** of a measurement result.

NOTE 3 A comparison between two measurement standards may be viewed as a calibration if the comparison is used to check and, if necessary, correct the **quantity value** and **measurement uncertainty** attributed to one of the measurement standards.

(Added 2012)

1.22. Metrological Traceability to a Measurement Unit - **metrological traceability** where the reference is the definition of a **measurement unit** through its practical realization

NOTE: The expression “traceability to the SI” means ‘metrological traceability to a measurement unit of the **International System of Units**’.

(Added 2012)

SWMA recommendation to NCWM for item status:

- Voting Item on the NCWM Agenda
- Information Item on the NCWM Agenda
- Withdraw the Item from the NCWM Agenda
- Developing Item on the NCWM Agenda
- Unable to consider at this time
- Other: *(Please Describe)*

SWMA Position:

- Supports**
- Opposes**
- Split**
- Neutral**

Additional Comments:

NEW - SWMA ITEM - 5

Regional Report to NCWM

Title: HB 130 - Method of Sale Regulation, Section: 2.XX Retail Sales of Electricity as Vehicle Fuel

Source: NIST Weights and Measures Division

Purpose: Create a developing item to engage the weights and measures community in a discussion to develop a method of sale to support uniformity in retail sales of electricity as vehicle fuel.

Summary of comments considered by the regional committee (in writing or during the open hearings):

A state regulator asked for clarification regarding the definition of an electric or hybrid electric vehicle. A NIST Technical Advisor noted that there is an absence of a clearly defined method of sale. Inquiries regarding the correct method of sale have increased as growth in charging stations have grown. The Technical Advisor asked that this item be made Developmental because much information needs to be gathered. A couple state officials responded that only their utility companies can sell electricity. It was recognized that public utilities need to be an integral part of the process. A state official questioned whether a measuring device for electricity exists today and whether it was NTEP approved. There was also question to whether a test measure can be traceable and certifiable to standard. A state regulator expressed support for this item.

Recommendation of the Regional Committee:

Move forward as Developmental.

Reasons for the committee recommendation:

Recognizes the need for standards in this area.

Final updated or revised proposal recommended by the SWMA:

While a specific proposal for consideration has yet to be developed, some preliminary examples and points to consider are offered below:

2.XX.1. Definitions

Electric Vehicle or Hybrid-Electric Vehicle. – A vehicle that employs electrical energy as a primary or secondary mode of propulsion.

Plug-in Electric Vehicle (PEV). – An electric vehicle that has onboard electrical energy storage designed to be charged via a physical connection to an external source of electrical energy.

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

Electric Vehicle Supply Equipment (EVSE). – A device or system used to transfer electrical energy to an electric vehicle, either as charge transferred via physical or wireless connection, by loading a fully charged battery, or by other means.

2.XX.2. Method of Retail Sale and Supply Equipment Labeling.

Preliminary review suggests that the method of sale should be based on metered quantities to facilitate value comparison by consumers. The units should be specified for all electrical energy kept, offered, or exposed for sale and sold at retail as vehicle fuel, such as electrical energy units in terms of kilowatt hours (kWh) and/or in the metric equivalent unit for electrical energy Joules (J).

2.XX.3. Retail Service Equipment Labeling.

The unit price on the basis of the method of sale will be important to consumers as a basis for a value comparison regardless of whether the electrical energy is delivered through a slow plug-in charging device, a fast charging device, or by battery replacement.

2.XX.4. Presentation of Price (Street Signs and Advertisements).

The unit price according to method of sale will be important to clearly represent on street signs and advertisements when a consumer must make a value comparison before pulling their vehicle into a station to purchase electrical energy.

SWMA recommendation to NCWM for item status:

- Voting Item on the NCWM Agenda
- Information Item on the NCWM Agenda
- Withdraw the Item from the NCWM Agenda
- Developing Item on the NCWM Agenda
- Unable to consider at this time
- Other: *(Please Describe)*

SWMA Position:

- Supports
- Opposes
- Split
- Neutral

Additional Comments:

NEW - SWMA ITEM - 6	
Regional Report to NCWM	
Title: HB 130 – Engine Fuels and Automotive Lubricants Regulation, Section 4. Retail Storage Tanks and Dispenser Filters	
Source: Missouri Department of Agriculture	
Purpose: Amend Section 4 Retail Storage Tanks and Dispenser Filters of the Engine Fuels and Automotive Lubricants Regulation	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
An industry representative and member of FALS stated that no one knows what “aviation blends” means so the recommendation is to strike its reference.	
Recommendation of the Regional Committee:	
Move forward as Developmental.	
Reasons for the committee recommendation:	
Clearer language and more discussion on this item needs to occur before this proposal can be considered	
Final updated or revised proposal recommended by the SWMA:	
<p>Section 4. Retail Storage Tanks and Dispenser Filters</p> <p>4.1. Water in Gasoline-Alcohol Blends, Aviation Blends, Biodiesel Blends, E85 Fuel Ethanol, Aviation Gasoline, and Aviation Turbine Fuel. – No water phase greater than 6 mm (¼ in) as determined by an appropriate detection paste or other acceptable means, is allowed to accumulate in any tank utilized in the storage of gasoline-alcohol blend, biodiesel, biodiesel blends, E85 fuel ethanol, aviation gasoline, and aviation turbine fuel.</p> <p>4.2. Water in Gasoline, Diesel, Gasoline-Ether, and Other Fuels. – Water shall not exceed 25 mm (1 in) in depth when measured with water indicating paste or other acceptable means in any tank utilized in the storage of diesel, gasoline, gasoline-ether blends, and kerosene sold at retail except as required in Section 4.1. Water in Gasoline-Alcohol Blends, Aviation Blends, Biodiesel Blends, E85 Fuel Ethanol, Aviation Gasoline, and Aviation Turbine Fuel. (<i>consider all fuels at ¼ inch maximum water</i>)</p>	
SWMA recommendation to NCWM for item status: <input type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input checked="" type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: (<i>Please Describe</i>)	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

NEW - SWMA ITEM - 7	
Regional Report to NCWM	
Title: HB 130 – Engine Fuels and Automotive Lubricants Regulation, Section 4.3. Dispenser Filters	
Source: Missouri Department of Agriculture	
Purpose: Amend Section 4.3.1 Dispenser Filters of the Engine Fuels and Automotive Lubricants Regulation	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
An industry representative stated that standard retailer dispensers use a 10 micron filter, and high capacity dispensers use 30 micron filters (i.e. diesel dispensed at truck stops). His company’s engineers have determined that reducing a 30 micron filter to a 10 micron filter will drastically reduce flow rate to trucks. Another industry representative agreed and re-iterated that truck stops would see a tremendous reduction in flow.	
Recommendation of the Regional Committee:	
To Withdraw item.	
Reasons for the committee recommendation:	
This proposal is not practical and would have a negative impact and undue burden on the trucking industry.	
Final updated or revised proposal recommended by the SWMA:	
<p>4.3. Dispenser Filters.</p> <p>4.3.1. Engine Fuel Dispensers.</p> <p>(a) All gasoline, gasoline-alcohol blends, gasoline-ether blends, biodiesel, biodiesel blends, diesel, E85 fuel ethanol and M85 methanol dispensers shall have a 10 micron or smaller nominal pore-sized filter.</p> <p>(b) All biodiesel, biodiesel blends, diesel, and kerosene dispensers shall have a 30 micron or smaller nominal pore-sized filter.</p>	
SWMA recommendation to NCWM for item status: <input type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input checked="" type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input type="checkbox"/> Supports <input checked="" type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

NEW - SWMA ITEM - 8
Regional Report to NCWM
Title: HB 130 Engine Fuels and Automotive Lubricants Regulation, Section 3.1. General Considerations. Standardized Colors for Nozzles.

Source: Missouri Department of Agriculture	
Purpose: Establish uniform fuel dispenser nozzle colors for product recognition and limit diesel nozzle spout to a minimum size to prevent accidental mis-fueling.	
Summary of comments considered by the regional committee (in writing or during the open hearings): No comments were heard.	
Recommendation of the Regional Committee: Move forward to a Voting item.	
Reasons for the committee recommendation: Proposal is ready for consideration.	
Final updated or revised proposal recommended by the SWMA:	
SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

NEW - SWMA ITEM - 9
Regional Report to NCWM
Title: HB 130 Engine Fuels and Automotive Lubricants Regulation, Flex Fuel Vehicles
Source: Chuck Corr
Purpose: A number of changes have occurred related to fuels restricted to use in Flex Fuel Vehicles.
Summary of comments considered by the regional committee (in writing or during the open hearings): Chuck Corr gave a presentation on the topic. FALS task force identified several areas where stakeholder input is needed to propose updates to Handbook 130 and to reflect new language in ASTM D5798. No comments were made during the hearing. FALS is expected to have a recommendation for the Interim.
Recommendation of the Regional Committee: Move forward as Developmental.
Reasons for the committee recommendation: More information is needed and waiting on the recommendation from FALS.
Final updated or revised proposal recommended by the SWMA:

SWMA recommendation to NCWM for item status: <input type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input checked="" type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

NEW - SWMA ITEM – 10	
Regional Report to NCWM	
Title: HB 130 Engine Fuels and Automotive Lubricants Regulation, Section 3.2.X. EPA Labeling Requirements Also Apply	
Source: Renewable Fuels Association	
Purpose: Amend NIST Handbook 130, Engine Fuels and Automotive Lubricants Regulation, Section 3 Classification and Method of Sale of Petroleum Products to recognize the mandatory label requirements included in the EPA Mis-fueling Mitigation final rule from July 25, 2011.	
Summary of comments considered by the regional committee (in writing or during the open hearings): An industry representative and FALS member supported this item and noted that the language is taken directly from EPA requirements.	
Recommendation of the Regional Committee: Move forward as Voting item.	
Reasons for the committee recommendation: Move forward to recognize EPA labeling requirement for E15.	
Final updated or revised proposal recommended by the SWMA: <u>3.2.X EPA Labeling Requirements Also Apply: Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (vol%) up to 15 vol% ethanol (E15) under 40 CFR §80.1501.</u>	
SWMA recommendation to NCWM for item status: <input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	SWMA Position: <input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

NEW - SWMA ITEM – 11	
Regional Report to NCWM	
Title: HB 130, 2.19. Kerosene.	
Source: Kansas Department of Agriculture	
Purpose: Establish a method of sale for Kerosene.	
Summary of comments considered by the regional committee (in writing or during the open hearings):	
No comments were heard.	
Recommendation of the Regional Committee:	
Move forward as Voting item.	
Reasons for the committee recommendation:	
Selling Kerosene by volume is a traditional method of sale.	
Final updated or revised proposal recommended by the SWMA:	
<u>2.19.1. Method of Retail Sale. – All kerosene kept, offered, or exposed for sale and sold at retail shall be in terms of the gallon (defined as 231 cu in) (added 20XX)</u>	
SWMA recommendation to NCWM for item status:	SWMA Position:
<input checked="" type="checkbox"/> Voting Item on the NCWM Agenda <input type="checkbox"/> Information Item on the NCWM Agenda <input type="checkbox"/> Withdraw the Item from the NCWM Agenda <input type="checkbox"/> Developing Item on the NCWM Agenda <input type="checkbox"/> Unable to consider at this time <input type="checkbox"/> Other: <i>(Please Describe)</i>	<input checked="" type="checkbox"/> Supports <input type="checkbox"/> Opposes <input type="checkbox"/> Split <input type="checkbox"/> Neutral
Additional Comments:	

SWMA Laws and Regulations Committee

Terrence McBride, Chairman, Memphis TN
Tom Bloemer – Kentucky
Max Gray – Florida
Gene Robertson – Mississippi
John Stokes – South Carolina
Victor Zamora – West Virginia

David Sefcik – NIST Technical Advisor