

**52nd Annual Western Weights and Measures Association Conference
September 20-24, 2009
Las Cruces, NM**

**Final Report of the
Laws and Regulations Committee**

Jeff Humphreys, Chairperson
Los Angeles County, CA

Reference
Key Number

200 INTRODUCTION

The Laws and Regulations (L&R) Committee submits its Final Report to the 52nd Annual Western Weights and Measures Association (WWMA) Association Conference. The report consists of the L&R Committee Agenda. Page numbers in tables below refer to pages in the Agenda.

All voting items presented to the general membership were approved and are presented as recommendations of the WWMA for consideration by the National Conference on Weights and Measures at its Interim meeting scheduled for January 24-27, 2010 in Nashville, TN.

Presented below is a list of voting and information items. Voting items are indicated by the suffice **V** or, if the voting item is part of the Consent calendar, by the suffix **VC**. If the item is information, it is indicated by the suffix **I**; if the item is withdrawn, it is indicated by the suffix **W**. Items marked with a **D** after the key numbers are developing issues. The developing designation indicates an item has merit; however, the item is returned to the submitter for further development before any action at the national level. The Committee’s Final Report is proposed to be grouped in the following order:

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.

Subject Series

INTRODUCTION	200 Series
NIST Handbook 130 – General	210 Series
Uniform Laws.....	220 Series
Weights and Measures Law (WML)	221 Series
Weighmaster Law (WL).....	222 Series
Engine Fuels and Automotive Lubricants Inspection Law (EFL).....	223 Series
Uniform Regulations	230 Series
Packaging and Labeling Regulation (PLR).....	231 Series
Method of Sale Regulation (MSR).....	232 Series
Unit Pricing Regulation (UPR)	233 Series
Voluntary Registration Regulation (VRR).....	234 Series
Open Dating Regulation (ODR).....	235 Series

Uniform National Type Evaluation Regulation (UNTER)..... 236 Series
 Engine Fuels and Automotive Lubricants Regulation (EFR)..... 237 Series
 Examination Procedure for Price Verification..... 240 Series
 Interpretations and Guidelines 250 Series
NIST Handbook 133 260 Series
Other Items 270 Series

Table A
Index to Reference Key Items

Reference Key Number	Title of Item	Page
200	INTRODUCTION	1
232	METHOD OF SALE REGULATION	3
232-1	V Method of Sale for Fireplace and Stove Wood, Flavoring Chips and Packaged Natural Wood	3
260	NIST HANDBOOK 133	4
260-1	V Guidance on Allowing for Moisture Loss and Other Revisions.....	4
270	OTHER ITEMS – DEVELOPING ITEMS	5
270-1	D Amend Section 2.2.1. in Handbook 130, Uniform Engine Fuels Regulation – Premium Diesel Lubricity	5
270-2	D Fuels and Lubricants Subcommittee (FALS)	5
270-3	V Pelletized Ice Cream.....	5
270-4	V Method of Sale and Engine Fuel Quality Requirements for Hydrogen.....	5
Proposal 1:	V NCWM Form 15: Amend Handbook 130, Method of Sale Regulation Section 2.13.4. “Declaration of Weight.”.....	5
Proposal 2:	V NCWM Form 15: Amend Handbook 133, Chapter 4.7 Polyethylene Sheeting-Test Procedure - Footnote Step 3.	6
Proposal 3:	D NCWM Form 15: Amend Handbook 133, Chapter 4.7 Polyethylene Sheeting-Test Procedure - T-shirt/Cut-out Bags.	6

**Table B
Appendices**

Appendix	Title	Page
A	Table of Amendments and Editorial changes for Handbook 133	A1
B	Handbook 133 Revisions.....	B1
C	Letter submitted from International Ice Cream Association to Food and Drug Administration (FDA).....	C1
D	FDA letter dated 4/17/09: FDA decision on pelletized ice cream	D1
E	Hydrogen USNWG FSS Background Information	E1

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

232 METHOD OF SALE REGULATION

232-1 V Method of Sale for Fireplace and Stove Wood, Flavoring Chips and Packaged Natural Wood

Source: Southern Weights and Measures Association (SWMA)

Discussion: A California county sealer provided recommended language to the Committee for clarity. The Committee reviewed the language and further modified it for better understanding.

Committee Recommendation: The Committee recommends the below language be moved as a Voting item on the NCWM L&R Committee Agenda.

2.4.3. Quantity. – Fireplace and stove wood - Shall be advertised, offered for sale, and sold only by measure, using the term “cord” and fractional parts of a cord or the cubic meter, except that:

- (a) Packaged natural wood. – Natural wood offered for sale in packaged form in quantities less than 0.45 m³ (1/8 cord or 16 ft³) shall display the quantity in terms of ;
 - i. ~~cubic meters~~ **liters**, to include ~~decimal~~ fractions of ~~cubic meters~~ **liters**; or
 - ii. **for quantities less than one cubic foot, in terms of cubic inches**; or
 - iii. **for quantities of one cubic foot or greater, in terms of cubic feet**, to include fractions of **a cubic feet-foot**.
- (b) Artificial compressed or processed logs. – A single fireplace log shall be sold by weight, and packages of such individual logs shall be sold by weight plus count.
- (c) Stove wood pellets or chips. – Pellets or chips not greater than 15 cm (6 in) in any dimension shall be sold by weight. This requirement does not apply to flavoring chips.
(Amended 1976 and 1991)
- (d) Flavoring chips. – ~~Flavoring chips shall be sold by volume.~~ **Flavoring chips offered for sale in packaged form in quantities less than 0.45 m³ (1/8 cord or 16 ft³) shall display the quantity in terms of ;**
 - i. ~~cubic meters~~ **liters**, to include ~~decimal~~ fractions of ~~cubic meters~~ **liters**; or
 - ii. **for quantities less than one cubic foot, in terms of cubic inches**; or
 - iii. **for quantities of one cubic foot or greater, in terms of cubic feet**, to include fractions of **a cubic feet-foot**.

(Added 1998) (Amended 20XX)

Note: In determining the appropriate Method of Sale, a clear distinction must be made as to whether the wood is being sold primarily as fuel (some wood is sold as fuel but flavoring is a byproduct) or strictly a wood flavoring.

260 NIST HANDBOOK 133

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

Discussion: There were concerns expressed at the open hearings regarding moisture allowance being applied before the package errors are determined. The Committee discussed that there are jurisdictions that use the before and after application process. Current software applications being used also use this practice. A California Director informed the Committee that California policy is to take moisture allowance after the package errors are determined. It was encouraged that the Moisture Loss Work Group (MLWG) remains active to clarify and work on the Moisture Loss issues. Resources need to be found to help support the MLWG.

The Committee recommendation: The Committee recommends moving this item forward as a Voting Item to the NCWM L&R Committee Agenda with the following noted changes (reference Appendix A for a detailed description of line items):

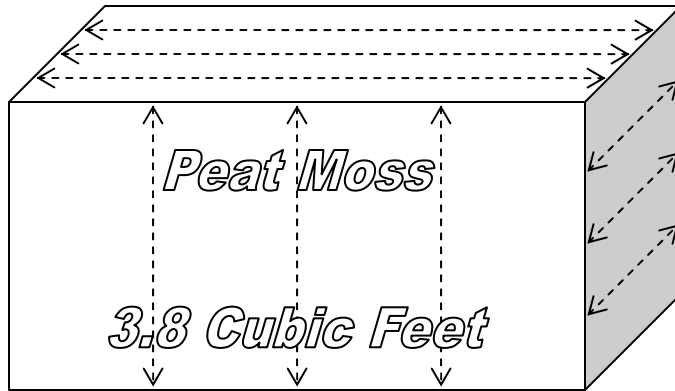
- The majority of the Committee recommended moving forward line item 7 from Appendix A (not accepting line item 8).
 - Section 1.2.(5)a.: The amount of ~~lost~~ moisture loss depends upon the nature of the product, the packaging material, the length of time it is in distribution, environmental conditions, and other factors

Revise the first paragraph, last sentence: For loss or gain of moisture, ~~apply~~ the moisture allowances may be applied before or after the package errors are determined

- Line item 25, Section 2.3.8.b. “What are the moisture allowances for flour and dry pet food”. The Committee recommends changing the title on Table 2-3 to read as “Moisture Allowances for Product in Distribution”. This could help the Inspector from potentially applying an incorrect test procedure at a production facility.
- Line item 29, Section 2.3.8.d “What moisture allowance is used with wet tare when testing packages bearing a USDA seal of inspection” should read as: When there is free-flowing liquid and liquid ~~or absorbent~~ absorbed by packing materials in contact with the products, all free liquid and the absorbed liquid is part of the wet tare.
- Remove line item 30 Section 2.3.8.e. “How is moisture loss handled for products not listed in HB 133” in its entirety and retain as a developmental item with future work to be done by the MLWG.
- Line item 61, Section 3.10.a. “How are packages of peat and peat moss labeled by compressed volume testing?”; modify the second sentence to add the double-underlined word and graphic:

For each dimension (length, width, height) take three equidistant measurements, take the average of each respective dimension and multiply to determine the cubic measure as follows:

Average height X average width X average length = cubic measurement



270 OTHER ITEMS – DEVELOPING ITEMS

270-1 D Amend Section 2.2.1. in Handbook 130, Uniform Engine Fuels Regulation – Premium Diesel Lubricity

Committee Recommendation: Committee recommends keeping this as a Developing Item

270-2 D Fuels and Lubricants Subcommittee (FALS)

Committee Recommendation: Committee recommends keeping this as a Developing Item

270-3 V Pelletized Ice Cream

Committee Recommendation: The Committee recommends moving this item forward to the NCWM L&R Committee Agenda as a Voting item.

270-4 V Method of Sale and Engine Fuel Quality Requirements for Hydrogen

Discussion: The Committee recommendation is to move this forward as a voting item. The Committee feels that the document is waiting for finalized details on the specifications for fuel standards. The Committee feels it best to be proactive so that Hydrogen stations can be ready for retail sales.

Committee Recommendation: The Committee recommends moving this item forward to the NCWM L&R Committee as a Voting item.

Proposal 1: V NCWM Form 15: Amend Handbook 130, Method of Sale Regulation Section 2.13.4. “Declaration of Weight.”

Committee Recommendation: The Committee recommends moving this item as a voting item to the NCWM L&R Committee Agenda with the following language:

In HB 130 Method of Sale Regulation, Section 2.13.4: Strike out the following two sentences:
 For the purpose of this regulation, the minimum density shall be 0.92 g/cm³ (when D is not known).
 For the purpose of this regulation, the minimum density shall be 0.92 g/cm³.

Amend Section 2.13.4 as follows:

For the purpose of this regulation, when D is not known, the minimum density (D) used to calculate the target net weight for linear low density polyethylene products (LLDP) and products other than high density polyethylene (HDPE) shall be 0.92 g/cm³ (when D is not known). For products labeled “High Density,” HDPE, or similar wording, the minimum density (D) used to calculate the target net weight shall be 0.95 g/cm³.

Proposal 2: V NCWM Form 15: Amend Handbook 133, Chapter 4.7 Polyethylene Sheeting-Test Procedure - Footnote Step 3.

Committee Recommendation: The Committee recommends moving this item forward as a Voting item with the language below to the NCWM L&R Committee Agenda.

Amend the asterisked Footnote below Step 3 as follows: ***Determined by ASTM Standard D 1505-98 (or latest issue) “Standard Method of Test for Density of Plastics by the Density Gradient Technique.” For the purpose of this handbook, when the actual density is not known, the minimum density used to calculate the target net weight shall be 0.92 g/cm³ when the actual density is not known. For products labeled “High Density Polyethylene (HDPE) or similar wording, the minimum density (D) used to calculate the target net weight shall be 0.95 g/cm³.**

Proposal 3: D NCWM Form 15: Amend Handbook 133, Chapter 4.7 Polyethylene Sheeting-Test Procedure - T-shirt/Cut-out Bags.

Discussion: Minor editorial changes were made to the proposal by the WWMA L&R Chairperson. The Committee did not feel that sufficient background data was submitted from various sources. The Committee would like to see additional data and industry input on this proposal. There are a large number of domestic and distributors of imported products. The HDPE-shopping bags are a significant portion of the market. The proposed method of testing the target net weight could potentially save field testing time.

Committee Recommendation: The Committee recommends that this proposal below be moved forward as a Developmental Item to the NCWM L&R Committee Agenda

Amend Chapter 4.7 Polyethylene Sheeting- Test Procedure as follows:

When testing “t-shirt” or other bags with cut-outs for handles use the following guideline to determine the target net weight amount of product cut-out of the original bag and removed from the container prior to packaging:

Calculate the target net weight in pounds of the bags as if there were no cut-out area:

$$\mathbf{T \times A \times D \times 0.03613 \times Ct. \times 2 = Z}$$

Calculate target net weight in pounds of the cut out area of bags (A) by multiplying TNW x the Handle Cutout % as found in Table 4.7(a).

To determine the target net weight (X) of the package of t-shirt bags, subtract TNW-A.

TNW = Calculated Target Net Weight
A= Calculated Target Net Weight of cut-out area
X= Target net weight of “T-shirt” bags

Example: A package of t-shirt bags is labeled 12 in x 7 in x 22 in, 0.3 mil, 2000 count,

$$\mathbf{0.0003 \times [(12+7) \times 22 \times 2] \times 0.95 \times 0.03613 \times 2000 = 17.216,}$$

$$\mathbf{17.216 \text{ lbs} \times 0.107 \text{ (from Table 4.7(a)} = 1.84 \text{ lbs,}$$

17.216 lbs – 1.84 lbs = 15.37 lbs, the target net weight for the t-shirt bag container.

<u>Table 4.7(a)</u>		
<u>LENGTH (in)</u>	<u>TOTAL WIDTH FACE WIDTH + GUSSET WIDTH (in)</u>	<u>HANDLE CUT-OUT %</u>
<u>14 – 16.5</u>	<u>12 – 16.5</u>	<u>16.27%</u>
<u>16.6 – 18.5</u>	<u>12 – 16.5</u>	<u>15.60%</u>
<u>17 – 18.5</u>	<u>16.6 – 19.75</u>	<u>13.10%</u>
<u>18.6 – 19.5</u>	<u>16.6 – 19.75</u>	<u>12.40%</u>
<u>19.6 – 20.5</u>	<u>16.6 – 19.75</u>	<u>12.65%</u>
<u>20.6 – 22</u>	<u>16.6 – 19.75</u>	<u>10.70%</u>
<u>22.1 – 23.5</u>	<u>16.6 - 19</u>	<u>9.63%</u>
<u>22 – 24</u>	<u>19.76 – 22</u>	<u>10.40%</u>
<u>24.1 – 25.5</u>	<u>19.76 - -22</u>	<u>8.35%</u>
<u>28 – 32</u>	<u>22 – 24</u>	<u>7.10%</u>
<u>32.1 - 36</u>	<u>22 - 24</u>	<u>6.04%</u>
<u>28 – 32</u>	<u>24.1 – 26</u>	<u>6.20%</u>
<u>32.1 - 36</u>	<u>24.1 - 25</u>	<u>5.14%</u>

Jeff Humphreys, Los Angeles County, CA Chairperson

Clark Cooney, OR
 Tim Lloyd, MT
 Kirk Robinson, WA
 Ed Williams, CA
 Joe Gomez, NM (Ex-Officio)

Pete O'Bryan, Foster Farms, Associate Member

Lisa Warfield, NIST Technical Advisor: e-mail: lisa.warfield@nist.gov

Laws and Regulations Committee