

WWMA Laws and Regulations (L&R) Committee 2020 Annual Meeting Report

Ms. Cadence Matijevich, Committee Chair
Nevada

INTRODUCTION

The Laws and Regulations (L&R) Committee (hereinafter referred to as “Committee”) submits its Report to the Western Weights and Measures Association (WWMA). The Report consists of the WWMA 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 WWMA and its recommendations to the NCWM Laws and Regulations Committee.

Subject Series List

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

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Table B
Glossary of Acronyms and Terms

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

Details of All Items
(In order by Reference Key)

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

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

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

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

PAL – UNIFORM PACKAGING AND LABELING REGULATION

PAL-21.1 V Section 11.XX. Bacon

PAL-21.1
<p>Regional recommendation to NCWM on item status:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>Ms. Lisa Warfield, NIST OWM (Submitter) - Provided testimony as to the purpose of the proposal, which is to harmonize the Handbook 130 model regulation pertaining to labeling of sliced shingle packaged bacon with USDA/FSIS requirements.</p> <p>The Committee received comments from Mr. Kurt Floren (County of Los Angeles, California), indicating that while he sees the need for alignment with USDA regulations, he also believes it is important to retain the requirement that the net quantity declaration appear in a conspicuous manner on the principal display panel.</p>

The WWMA L&R Committee recommends this as a Voting item provided the additional language, indicated by a double underline below is added.

11.XX. Bacon – Bacon packaged as sliced shingles in rectangular packages shall be exempt from the requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity declaration. However, such exemption shall not apply to the requirement for the net quantity declaration to appear in a conspicuous manner on the principal display panel.

MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES

MOS-20.3 V Section 2.XX. Diesel Fuel

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

MOS-20.5 I Section 2.21. Liquefied Petroleum Gas

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

FLR - UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

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

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

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

FLR-21.1 W Section 4.4. Product Storage and Dispenser Identification

FLR-21.1
<p>Regional recommendation to NCWM on item status:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i> <input checked="" type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i> <input type="checkbox"/> No recommendation from the region to NCWM

<i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i>
A regulator from the State of New Mexico found the proposal helpful from a weights and measures and environmental field inspector’s point of view.
The Committee heard concerns from industry and regulators regarding the costs to retrofit dispensers, changing colors on secondhand dispensers, challenges with ready access to the API document, the challenge of one dispenser providing a myriad of grades and blending fuels, and questioning if the problem the proposal intends to address is pervasive enough to make a regulation. Testimony was given regarding logistical challenges of implementing a standardized color code, the possible cost of implementation, and whether this was something that should be codified in regulation.
The WWMA L&R Committee recommends this item be Withdrawn. The Committee felt while well intentioned, this item is better suited as a best practice.

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

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

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

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

ITEM BLOCK 6 (B6) TRANSMISSION FLUID

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

ITEM BLOCK 6
Regional recommendation to NCWM on item status:
<input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i>
The Committee heard concerns from regulators about having an up-to-date reference table to implement and enforce this regulation for transmission fluids. Mr. Ron Hayes (State of Missouri, Submitter) indicated he would work with Lubrizol to provide a table.

The Committee heard concerns from regulators regarding the necessity of the language proposed in the third paragraph of subsection (f) in proposals MOS-21.1 and FLR 21.2; testimony indicated that this language is not needed and confusing.

The Committee heard concerns from regulators regarding a definition for “obsolete”.

The WWMA L&R Committee recommends this as a Developing item. The Committee recommends that the third paragraph in subsection (f) be removed from both items (see suggested edit below), that a reference table be provided prior to the item being forwarded for a vote, and that the submitter include a clear definition of obsolete in the proposal.

- (f) **Any obsolete equipment manufacturer specifications shall be clearly identified as “obsolete” and accompanied by the following warning on the principle display panel in clearly legible font size and color as stated in Uniform Packaging and Labeling Regulation 8.2.2.:**

Caution: Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the Transmission is possible when using in applications in which it is not intended. Always refer to your vehicle owner’s manual for proper transmission fluids.

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

ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID

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

ITEM BLOCK 2

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

ITEM BLOCK 7 (B7) TRACTOR HYDRAULIC FLUID

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

ITEM BLOCK 7

Regional recommendation to NCWM on item status:

- Recommend as a Voting Item on the NCWM agenda
- Recommend as an Information Item on the NCWM agenda
- Recommend as an Assigned Item on the NCWM agenda
(To be developed by an NCWM Task Group or Subcommittee)
- Recommend as a Developing Item on the NCWM agenda
(To be developed by source of the proposal)
- Recommend Withdrawal of the Item from the NCWM agenda
(In the case of new proposals, do not forward this item to NCWM)
- No recommendation from the region to NCWM

<i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
Comments and justification for the regional recommendation to NCWM: (This will appear in NCWM reports)
The Committee heard testimony from both industry and regulators in support of this item.
The WWMA L&R Committee recommends that this item move forward as a Voting item. The Committee agreed that the language in the regulation be mandatory rather than permissive.

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

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

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

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

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

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

NET – HANDBOOK 133

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

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

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

NET-20.2
No report due to the constraints of holding a virtual meeting.

OTH – OTHER ITEMS

OTH-07.1 D Fuels and Lubricants Subcommittee

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

OTH-11.1 D Packaging and Labeling Subcommittee

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

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- Ms. Cadence Matijevich, Nevada | Committee Chair
 - Mr. Garrett Cooper, San Diego County, California | Member
 - Mr. Mike Brooks, Arizona | Member
 - Mr. Alberto Villagomez, Colorado | Member
 - Ms. Kathy de Contreras, California | Member
 - Ms. Francesca “Frankie” Melgar, New Mexico | Member
 - Ms. Beverly Michels, BP | AMC Representative
 - Mr. Tim Elliott, Washington | Ex-Officio

Laws and Regulations Committee