

## WWMA Laws and Regulations (L&R) Committee 2022 Annual Meeting Report

Mr. Mike Brooks, Committee Chair  
Arizona

### INTRODUCTION

The L&R Committee will address the following items in Table A during the Interim Meeting. Table A identifies the agenda items by reference key, title of item, page number and the appendices by appendix designations. The headings and subjects apply to *Handbook 44 Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*. The first three letters of an item's reference key are assigned from the Subject Series List. The next 2 digits represent the year the item was introduced. The acronyms for organizations and technical terms used throughout the agenda are identified in Table B.

An "Item Under Consideration" is a statement of proposal and not necessarily a recommendation of the Committee. Suggested revisions 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***. Additional letters, presentations and data may have been part of the committee's consideration. Please refer to [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

In some cases, there may be proposed changes affecting multiple model laws or regulations that share the same purpose or proposed changes to one model law or regulation may be dependent on the adoption of proposed changes to another. The Committee may group such items into "Blocks" to facilitate efficient handling for open hearings and voting. These blocks are identified in Committee's agenda.

**Note:** It is policy to use metric units of measurement in publications; however, recommendations received by NCWM technical committees and regional weights and measures associations have been printed in this publication as submitted. Therefore, the report may contain references to inch-pound units.

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**Subject Series List**

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Handbook 130 – General.....	GEN Series
Uniform Laws	
Uniform Weights and Measures Law.....	WAM Series
Uniform Weighmaster Law.....	WML 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
Handbook 133 .....	NET Series
Other Items .....	OTH Series

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**Table B**  
**Glossary of Acronyms and Terms**

<b>Acronym</b>	<b>Term</b>	<b>Acronym</b>	<b>Term</b>
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	NCWM	National Conference on Weights and Measures
CWMA	Central Weights and Measures Association	OWM	Office of Weights and Measures
FALS	Fuels and Lubricants Subcommittee	PALS	Packaging and Labeling Subcommittee
FDA	Food and Drug Administration	S&T	Specifications and Tolerances
FTC	Federal Trade Commission	SAE	SAE International
HB	Handbook	SWMA	Southern Weights and Measures Association
ILMA	Independent Lubricant Manufacturers Association	UPLR	Uniform Packaging and Labeling Regulation
L&R	Laws and Regulations	USDA – FSIS	U.S. Department of Agriculture – Food Safety and Inspection Service
LPG	Liquefied Petroleum Gas	USNWG	U.S. National Work Group
MAV	Maximum Allowable Variation	WWMA	Western Weights and Measures Association

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**Details of All Items**  
*(In order by Reference Key)*

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1 **WAM – WEIGHTS AND MEASURES LAW**

2 **WAM-23.1                      Section 11. Powers and Duties of the Director**

3 **Source:**

4 NCWM Packaging and Labeling Subcommittee

5 **Purpose:**

6 Add e-commerce compliance to the powers and duties of the Director.

7 **Item Under Consideration:**

8 Amend Handbook 130, Uniform Weights and Measures Law, as follows:

9            **Section 11. Powers and Duties of the Director**

10

11            The Director shall:

12            . . .

13            **(s) have the authority to employ recognized procedures and regulations designated within the NIST**  
14            **Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality, E-**  
15            **Commerce Regulation.**

16 **Previous Action:**

17            2023: New Item

18

19 **Original Justification:**

20 It has been suggested that if the e-commerce regulation is adopted for inclusion in NIST Handbook 130, expanding  
21 the powers and duties of the Director in the model Weights and Measures Law would be useful.

22 The most likely arguments against adoption of this proposal center on whether individual programs feel this section  
23 of the model law is too restrictive in defining the scope of a weights and measures program or if the membership  
24 concludes the E-commerce regulation is better published as a stand-alone NCWM standard.

25 **Requested Status by Submitter:** Voting Item

26 **Comments in Favor:**

27            **Regulatory:**

28

29            **Industry:**

30            •

31            **Advisory:**

32            •

1 **Comments Against:**

2 **Regulatory:**

3

4 **Industry:**

- 5 •

6 **Advisory:**

- 7 •

8 **Neutral Comments:**

9 **Regulatory:**

10

11 **Industry:**

- 12 •

13 **Advisory:**

- 14 •

15 **Item Development:**

16 New

17 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
 18 <https://www.ncwm.com/publication-15> to review these documents.

<b>WAM-23.1</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></b></p> <p>Mr. Floren, Los Angeles County, CA questioned whether this item was necessary, but supports it moving forward if needed to support other e-commerce proposals. Mr. Kevin Schnepf, CDFA/DMS, supports this item moving forward.</p> <p>The WWMA L&amp;R Committee recommends Voting status based on the comments heard.</p>

19

1 **WML – UNIFORM WEIGHMASTER LAW**

2 **WML-23.1 Section 10. Certificate: Required Entries,**

3 **Source:**

4 NIST Office of Weights and Measures

5 **Purpose:**

6 Allow the use of electronic signatures on certificates.

7 **Item Under Consideration:**

8 Amend Handbook 130, Uniform Weighmaster Law, as follows:

9 **Section 10. Certificate: Required Entries**

10

11 (a) The certificate, when properly filled out and signed [**see Section 10, Note 2**] shall be prima facie  
12 evidence of the accuracy of the measurements shown.

13 (b) The design of and the information to be furnished on a weight certificate shall be prescribed by the  
14 Director and will include, but not be limited to, the following:

15 (1) the name and license number of the public weighmaster;

16 (2) the kind of commodity weighed, measured, or counted;

17 (3) the name of the owner, agent, or consignee of the commodity;

18 (4) the name of the recipient of the commodity, if applicable;

19 (5) the date the certificate is issued;

20 (6) the consecutive number of the certificate;

21 (7) the identification, including the identification number, if any, of the carrier transporting the  
22 commodity and the identification number or license number of the vehicle;

23 (8) other information needed to distinguish or identify the commodity from a like kind;

24 (9) the number of units of the commodity, if applicable;

25 (10) the measure of the commodity, if applicable;

26 (11) the weight [**see Section 10 NOTE 1**] of the commodity and the vehicle or container (if applicable)  
27 broken down as follows:

28 i. the gross weight of the commodity and the associated vehicle or container;

29 ii. the tare weight of the unladen vehicle or container; or

30 iii. both the gross and tare weight and the resultant net weight of the commodity;

31 (12) signature [**see Section 10, Note 2**] of the public weighmaster who determined the weight, measure,  
32 or count.

1 Section 10 NOTE 1: When used in this Law, the term “weight” means “mass.” (See paragraph L. “Mass” and  
2 “Weight” in Section I. Introduction, of NIST Handbook 130 for an explanation of these terms.)  
3 (Note added 1993)

4 **Section 10 NOTE 2: Electronic signatures are acceptable if a State has a digital signature statute (Uniform**  
5 **Law Commission, Electronic Transactions Act {UETA} [www.uniformlaws.org](http://www.uniformlaws.org)**  
6 **(Added 20XX)**

7 **Previous Action:**  
8 2023: New Item

9  
10 **Original Justification:**

11 The Uniform Weighmaster Law (UWL) is broadly worded that it does not specify whether cursive or other handwriting  
12 be used to sign tickets. Section 10. “Certificate: Required Entries,” of the UWL reads that a weigh ticket, when  
13 properly filled out and signed, shall be accepted as evidence of the accuracy of the recorded measurement. A full  
14 identification of the weighmaster is required by Section 10(b)(1) that requires the name and license number of the  
15 weighmaster be furnished and Section (10)(b)(12) requires that signature to be of the public weighmaster who  
16 determined the weight, measure or count.

17  
18 OWM has reviewed the UWL, NCWM Annual Meeting Reports, and information provided by other states and  
19 recommends that Section 10 allow the use of electronic signatures. Another justification for allowing the use of  
20 electronic signatures is they are widely permitted under both Federal and State Laws. At the Federal level the 2000  
21 Electronic Signatures in Global and National Commerce Act which is in 15 U.S. Code § 7001 provides that electronic  
22 signatures on contracts, or other records relating to such transactions may not be denied legal effect, validity, or  
23 enforceability solely because they are in electronic form.

24  
25 OWM has also learned that most states adopt the Uniform Electronic Transactions Act (UETA [www.uniformlaws.org](http://www.uniformlaws.org))  
26 which promotes the use of electronic signatures and provides adequate protections for buyers and sellers alike. While  
27 both the Federal and State exempt some business and applications the purpose of these laws is to prevent fraud and  
28 abuse while facilitating the use of electronic signatures to promote modern business and communications practices.  
29 The UETA was developed by the National Conference of Commissioners on Uniform Laws in 1999 to establish the  
30 legal equivalence of electronic records and signatures with paper writings and manually signed signatures, to remove  
31 barriers to electronic commerce. There are 47 and the District of Columbia, U.S. Virgin Islands, Puerto Rico which  
32 have adopted the UETA. Three states have not adopted UETA but do have their own state statues - New York, Illinois,  
33 and Washington.

34 **Requested Status by Submitter:** Voting Item

35 **Comments in Favor:**

36 **Regulatory:**  
37

38 **Industry:**  
39 •

40 **Advisory:**  
41 •



1 **Comments Against:**

2 **Regulatory:**

3

4 **Industry:**

- 5 •

6 **Advisory:**

- 7 •

8 **Neutral Comments:**

9 **Regulatory:**

10

11 **Industry:**

- 12 •

13 **Advisory:**

- 14 •

15 **Item Development:**

16 New

17 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
 18 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

<b>WML-23.1</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>Mr. Kevin Schnepf, CDFA/DMS, supports this item moving forward provided a national security standard be developed to limit potential fraud. Mr. Kurt Floren, LA County, asked whether a security standard should be developed locally rather than nationally. Mr. Schnepf suggested a national standard for uniformity would be most appropriate.</p> <p>The WWMA L&amp;R Committee recommends Voting status based on the comments heard.</p>

19

1 **MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES**

2 **MOS-23.3                      Section 1.12. Ready-to-Eat Food, 1/12.2. Methods of Sale.**

3 **Source:**

4 Delaware Weights and Measures

5 **Purpose:**

6 Bringing back the word “single serving” To limit the size of a prepackaged item from being allowed to be sold with  
7 no weight declaration.

8 **Item under Consideration:**

9 Amend Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows:

10 **1.12. Ready-to-Eat Food.**

11 ...

12 **1.12.1. Methods of Sale.** – Ready-to-eat food sold from retail cases displaying product in bulk or  
13 in single servings packed or prepared on the premises may be sold by weight, measure, or count  
14 (i.e., by piece, portion, or serving). If pre-packaged, the product shall have the appropriate statement  
15 of quantity set forth in the current edition of NIST Handbook 130, Uniform Packaging and Labeling  
16 Regulation (UPLR).  
17 (Amended 1993) (Amended 2017)

18 **Previous Action:**

19 New item in 2023

20 **Original Justification:**

21 When the change was initially introduced in the 2018 edition of Handbook 130, the way I interpreted the new regulation  
22 was that with the removal of “single servings” it would then allow any package that is packaged on premises to be  
23 sold by count. With that being said, it would mean that anything in the store (packaged on site) that is ready to eat  
24 would no longer be required to have a net weight. This would apply to all Deli, Hot Foods, Produce, Bakery and  
25 Seafood packaged products. Several others that I spoke with interpreted the regulation the same way I did initially.  
26 A year later, while taking a class in Gaithersburg, I brought up this issue and I was pointed to the second portion of  
27 the regulation that states: **If pre-packaged, the product shall have the appropriate statement of quantity set**  
28 **forth in the current edition of NIST Handbook 130, Uniform Packaging and Labeling Regulation (UPLR).** I  
29 had difficulty finding something specific in the UPLR that would override the statement “**in servings packed or**  
30 **prepared on the premises may be sold by weight, measure, or count”, and at this point it became confusing if we**  
31 should require a net weight on a pre-packaged item or not. More recently while taking a webinar, again I brought up  
32 this issue and the discussion was that the store would not need to put a net weight on the package. They could sell a  
33 tub of cut fruit as a “tub” of cut fruit.

34  
35 I believe that the intent was to allow Grocery Stores to sell products like Restaurants, such as a bucket of chicken at  
36 KFC needs no net weight, so it should be allowed that the Grocery Store should be able to sell a bucket of chicken  
37 with no net weight. This is understandable if the bucket is packaged at time of service from bulk, but if it is a bucket  
38 that is pre-packaged sitting on a shelf for the consumer to purchase, then it should have a net weight. Similar packages  
39 of Potato Salad that the store packages sitting next to a “National Brand” of Potato Salad should also have a net weight  
40 so the consumer can make a comparative value decision. Another example would be pre-packaged containers of cut  
41 fruit should have a net weight so the consumer can compare the price of the processed fruit over what the consumer  
42 could purchase the same fruit themselves and cut it at home.

43 In the past, the single serving size exception was a good way to define what needed a net weight and what didn’t. A  
44 slice of cake didn’t need a weight, but a ¼ slice or larger would need a net weight. Two cookies in a baggie or a  
45 sandwich wouldn’t need a weight, but a box of cookies or a platter of sandwiches would. I am afraid that if the correct

1 interpretation is, that all ready to eat food that does not need to be processed and is pre-packaged on site will not need  
2 a net weight. If true, it removes the ability of the consumer to make an informed decision on what is the best value.



3  
4 The picture above is at an Acme location and the items shown are packaged on premises. The picture below is at a  
5 Shop Rite location and those items are pre-packaged and shipped in. If Acme is allowed to sell items by count only,  
6 but the items sold at Shop Rite must be sold by weight, then how can the consumer make a comparison as to which  
7 item is a better value.



8  
9 The submitter acknowledges that businesses that are currently not putting a net weight on their ready to eat items  
10 larger than single serving sizes will have to correct their product labels to show the net weight. This may also result  
11 in having to install new scales to produce product labels.

12 The submitter requested that this be a Voting item in 2023.

1 **Comments in Favor:**

2 **Regulatory:**

- 3 •

4 **Industry:**

- 5 •

6 **Advisory:**

- 7 •

8 **Comments Against:**

9 **Regulatory:**

- 10 •

11 **Industry:**

- 12 •

13 **Advisory:**

- 14 •

15 **Neutral Comments:**

16 **Regulatory:**

- 17 •

18 **Industry:**

- 19 •

20 **Advisory:**

- 21 •

22 **Item Development:**

23 New

24 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
25 <https://www.ncwm.com/publication-15> to review these documents.

MOS-23.3	
<b>Regional recommendation to NCWM on item status:</b>	
<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>	
<b>Comments and justification for the regional recommendation to NCWM: (This will appear in NCWM reports)</b>	
<p>Mr. Floren, LA County, felt this was a misguided proposal. He believes that the existing wording of ‘if prepackaged’ already addresses the issue. Mr. David Sefcik, NIST OWM, described that in a 2017 task group, 14 regulators and 7 industry members worked out this regulation in the first place, and that adding the word ‘single serving’ would make the regulations too onerous. This item is supposed to allow grocery store prepared food similar to what you would buy at a restaurant to be under the same regulations as a restaurant. By adding the word ‘single’ serving it would require weight statements on items such as large pizzas or buckets of chicken wings, which were meant to be excluded.</p> <p>As the WWMA L&amp;R Committee heard no comments in support of this item, we recommend the item be withdrawn.</p>	

1

2 **MOS-20.5                      Section 2.21. Liquefied Petroleum Gas**

3 **Source:**

4 Arizona Department of Agriculture, Weights and Measures Services Division

5 **Purpose:**

6 Provide clarity and consistency regarding the method of sale (MOS) for liquefied petroleum gas (LPG) through a  
 7 meter that has a maximum rated capacity of 20 gal/min or less.

8 **Item Under Consideration:**

9 Amend Handbook 130, Uniform Regulation for the Method of Sale of Commodities, as follows:

10 **2.21. Liquefied Petroleum Gas.**

11 **2.21.1. Method of Sale.**  All liquefied petroleum gas, including, but not limited to propane, butane, and  
 12 mixtures thereof, shall be kept, offered, exposed for sale, or sold by the following methods of sale. If kept,  
 13 offered, exposed for sale, or sold by:

14 **(a) Weight:** by the kilogram or pound; or by,

15 **(b) Gaseous Volume:** by the metered cubic meter of vapor (defined as 1 m<sup>3</sup> at 15 °C); or metered cubic  
 16 foot of vapor (defined as 1 ft<sup>3</sup> at 60 °F) <sup>[See Section 2.21. Note];</sup> or by,

17 **(c) Liquid Volume:** by the liter (defined as 1 liter at 15 °C) or the gallon (defined as 231 in<sup>3</sup> at 60 °F). ~~All~~  
 18 ~~metered sales by the or gallon, except those using meters with a maximum rated capacity of~~  
 19 ~~(20 gal)/min or less, shall be accomplished by use of a meter and device that automatically~~  
 20 ~~compensates for temperature.~~

1 **2.21.2. Metered Sales by Liquid Volume. □ All metered sales by liquid volume shall be accomplished using**  
2 **metering systems as follows:**

- 3 (a) **Sales using metering systems with a maximum rated capacity greater than 20 gal/min shall be**  
4 **accomplished using a metering system that automatically compensates for the effects of**  
5 **temperature.**
- 6 (b) **Sales using metering systems with a maximum rated capacity equal to or less than 20 gal/min that**  
7 **were placed into service after January 1, 2026 shall be accomplished by use of a metering system**  
8 **that automatically compensates for the effects of temperature.**
- 9 (c) **Effective January 1, 2030, all metered sales (through all capacities of metering devices, regardless**  
10 **of installation and service date) shall be accomplished by use of a metering system that**  
11 **automatically compensates for temperature.**

12 *Section 2.21. NOTE: Sources: ~~American National Standards Institute, Inc., ANSI B109.1 (2008/2000), "American~~*  
13 *~~National Standard For Diaphragm-Type Gas Displacement Meters (14.16 Cubic Meters [Under 500 Cubic Feet]~~*  
14 *~~Per Hour Capacity and Under),"~~ and NIST Handbook 44, "Specifications, Tolerances, and Other Technical*  
15 *Requirements for Weighing and Measuring Devices."*

16 (Added 1986, Amended 20XX)

17 **Previous Action:**

18 2020: Informational

19 2021: Voting - Returned to Committee

20 2022 Annual Meeting: Voting – Returned to Committee

21 **Original Justification:**

22 There appears to be a lack of clarity and consistency regarding the method of sale (MOS) for liquefied petroleum gas  
23 (LPG) through a meter that has a maximum rated capacity of 20 gal/min or less. The Uniform Regulation for the  
24 Method of Sale of Commodities, Section 2.2. Liquefied Petroleum Gas specifically exempts these meters from the use  
25 of automatic temperature compensation but defines a gallon as 231 in<sup>3</sup> at 60 °F [15.6 °C].

26 With this definition, it can be interpreted that, while automatic temperature compensation is not required, the sale of  
27 LPG shall be temperature compensated through manual means (or alternatively sold by weight). Temperature  
28 compensation manually requires the use temperature readings and a chart to manually perform conversions to  
29 determine the volume sold.

30 When discussing potential implementation of these requirements, propane industry officials in Arizona noted that  
31 other states do not require sale of LPG through these smaller meters to be temperature compensated or sold by weight  
32 and cited numerous problems with manual calibration or changing the MOS to sell by weight.

33 An informal survey of western states appears to support that most do not enforce this requirement to sell LPG through  
34 these smaller meters by weight or temperature compensated.

35 Due to the inconsistency with the method of sale between various states and interpretation of this section, it is being  
36 proposed to exempt the sale of LPG through these smaller meters from temperature compensation.

37 The item is proposed developing to allow for discussion and submittal of supporting cost analysis and impact to  
38 consumers and businesses that supports a requirement to sell LPG through these small meters as temperature  
39 compensated (or by weight).

1 The submitter noted that the sale of propane that is not temperature compensated can vary in quantities dispensed,  
2 which may provide a business or consumer with more or less product than stated.

3 **Comments in Favor:**

4 **Regulatory:**

- 5 • Mr. Bill Striejewski, FALS Chair, supported the item as Voting

6 **Industry:**

- 7 • Two Industry members spoke in favor of keeping the Item as Voting

8 **Advisory:**

- 9 • None

10 **Comments Against:**

11 **Regulatory:**

- 12 • None

13 **Industry:**

- 14 • None

15 **Advisory:**

- 16 • None

17 **Neutral Comments:**

18 **Regulatory:**

- 19 • Kurt Floren, County of Los Angeles requested to amend the title in Section 2.21.1. (c) to read “Liquid  
20 Volume”.

21 **Industry:**

- 22 • None

23 **Advisory:**

- 24 • None  
25

26 **Item Development:**

27 NCWM 2020 Interim Meeting: Mr. Tim Chesser (AR) felt that the current proposal conflicts with language in  
28 Handbook 44. Ms. Tina Butcher (NIST OWM) responded the current language in Handbook 44 does not conflict  
29 with the language in this item, referencing language from Handbook 44 stating “If a device is equipped with an  
30 automatic temperature compensator.” This suggests that language in Handbook 44 does not require modification to

1 accommodate devices with automatic temperature compensation capabilities. Mr. Constantine Cotsoradis (Flint Hill  
2 Resources) questioned if this proposal would have any benefit for consumers. Representing the submitter, Mr. Vince  
3 Wolpert (AZ) stated that temperature in the state ranges from 32 to 100 degrees Fahrenheit and volume delivered for  
4 LP sales varies accordingly.

5 As a result of the lack of consistency with volume delivered the state receives a lot of complaints concerning LP sales.  
6 Several regulators commented that the most equitable way to address the issue is to require automatic temperature  
7 compensation for all sales. The original submitter received feedback from the fall regions and modified the language  
8 (dated January 24, 2020).

9 The submitter, Ms. Wilson recommended this modified language be vetted through the regional meetings and industry  
10 for consideration. Currently, the Committee concurs with the recommendation and moved this item forward as the  
11 Item Under Consideration as Informational.

12 On the 2020 NCWM Interim Agenda the item under consideration appeared as:

13 **2.21. Liquefied Petroleum Gas.** – All liquefied petroleum gas, including, but not limited to propane, butane, and  
14 mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [<sup>NOTE 7, page 132</sup>  
15 of vapor (defined as 1 ft<sup>3</sup> at 60 °F [15.6 °C]), or the gallon (defined as 231 in<sup>3</sup> at 60 °F [15.6 °C]). All metered  
16 sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be  
17 accomplished by use of a meter and device that automatically compensates for temperature. **Metered sales using**  
18 **a meter with a maximum rated capacity of 20 gal/min or less is exempt from temperature compensation**  
19 **requirements.**

20 (Added 1986 **Amended 20XX**)

21 NCWM 2021 Interim Meeting: The language within NCWM Publication 15 appeared as:

22 **2.21. Liquefied Petroleum Gas.** – All liquefied petroleum gas, including, but not limited to propane, butane, and  
23 mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [<sup>NOTE 7, page 132</sup>  
24 of vapor (defined as 1 ft<sup>3</sup> at 60 °F [15.6 °C]), or the gallon (defined as 231 in<sup>3</sup> at 60 °F [15.6 °C]). ~~All metered~~  
25 ~~sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be~~  
26 ~~accomplished by use of a meter and device that automatically compensates for temperature.~~

27 **(a) All metered sales by the gallon using a meter with a maximum rated capacity greater than 20**  
28 **gal/min, shall be accomplished using a meter and device that automatically compensates for**  
29 **temperature.**

30 **(b) For equipment placed in service on or after January 1, 2023, all metered sales using a meter with**  
31 **a maximum rated capacity of 20 gal/min or less shall be accomplished by use of a meter and device**  
32 **that automatically compensates for temperature.**

33 **(c) Effective January 1, 2030, all metered sales shall be accomplished by use of a meter and device**  
34 **that automatically compensates for temperature.**

35 (Added 1986 **Amended 20XX**)

36 Mr. Chesser commented his concern with conflicts between the method of sale and Handbook 44 requirements. Ms.  
37 Tina Butcher (NIST OWM) addressed questions that were stated within the reporting for this item. Ms. Butcher also  
38 provided an in-depth background and discussion on this item. It was noted that NIST OWM submitted modified  
39 language that was posted under the NCWM L&R supporting documents.

40 Some of the bullet points that were in the NIST analysis of this item were:



- 1 • The existing language references a value of “15.6 °C” for temperature determinations in metric units,  
2 according to the current industry practice for sales of petroleum products, the reference temperature for sales  
3 in metric are based on 15 °C rather than the exact conversion from 60 °F (which is 15.6 °C). Thus, the  
4 temperature reference in metric should be 15 °C.
- 5 • The current method of sale for LPG requires sales based on a specified reference temperature because of the  
6 significant effects of temperature on the volume of LPG. This helps ensure equity for buyer and seller;  
7 facilitate value comparisons among competing applications; and deter those who would take advantage of  
8 the effects of temperature on volume from using these effects to their advantage during sales under given  
9 temperature conditions.
- 10 • There is some concern that including effective dates as shown in the Item Under Consideration does have the  
11 effect of rescinding the original requirement for certain categories of sales. Additionally, specifying such  
12 dates may possibly lead to future extensions of these date or permanent exceptions. However, if this proposal  
13 will allow the community to progress toward more uniform implementation of temperature compensation in  
14 the commercial measurement of LPG, this approach may prove to be a valuable tool for accomplishing this  
15 goal and improve understanding and consistent application of the requirements, and we believe the submitter  
16 is to be commended for striving to achieve this clarity and uniformity in application.
- 17 • The second clause of the current Item Under Consideration addresses equipment put into service as of January  
18 1, 2023. The generic reference to “equipment placed into service” implies that only newly installed  
19 equipment with flow rates of 20 gpm or less needs to include automatic temperature compensation  
20 capabilities. This could be misconstrued as negating the first clause in the proposal. We believe the intent  
21 of the submitter was to simply expand the requirement for “automatic” temperature compensation capability  
22 for metering systems above 20 gpm to include those systems below this flow rate point. Thus, a  
23 recommended alternative is included in the suggested changes.

24 Formatting Changes:

- 25 • By formatting the language into sub-sections, it makes the method of sale requirement easier to follow and  
26 apply and facilitates consideration of the Item Under Consideration.
- 27 • For the next released edition of Handbook 130, NIST OWM will be reformatting the references to “Notes”  
28 and their associated page numbers and replacing these with notes formatted as “Section ##. Note.”

29 Mr. Scott Simmons (Colorado) led a discussion regarding some of the issues that his state has faced regarding LPG  
30 sales. Mr. Simmons and many other regulators expressed support for this Item. It was expressed that many were  
31 unaware of the NIST modified proposal. L&R Chair McGuire encouraged membership to review the NIST proposal.  
32 During the Committee work session both the original and NIST proposals were discussed. A Committee member  
33 expressed concern that industry may be unaware of this agenda item. Several Committee members commented that  
34 they would reach out to their industry contacts to alert them. The Committee heard many comments that they  
35 supported the NIST proposal. The Committee was appreciative that NIST had reformatted the structure to make the  
36 language easier to read. The Committee recommends this move forward as a Voting item.

37 NCWM 2021 Annual Meeting: Mr. Swiecicki (NPGA) expressed concern with the language for temperature  
38 compensation and how the mechanical devices have a lag in correcting the temperature. Mr. Swiecicki did request  
39 that the date in Section 2.21.2.(b) be moved to 2025, or at least another year added. Mr. Schnepf (CA) remarked that  
40 in Section 2.21.2.(a) the language should read “equal to or greater than” to align with NIST HB44 language. Mr.  
41 Allen (AZ) was supportive of the changes from Mr. Schnepf. Mr. Willis (NY) rose to oppose this item and believes  
42 this item is detrimental to the propone industry. Mr. Willis remarked that they are done by weight and the temperature  
43 compensation is an issue with the smaller tanks. Mr. Ramsburg (MD) asked the committee to withdraw the item.

44 Based on testimony during open hearings and reviewing the documents from the regional meetings, the Committee  
45 changed the effective date in Section 2.21.2.(b) from January 1, 2023 until January 1, 2024. In Sections 2.21.2. (a),  
46 (b) and (c) replaced the words “meter and device” with “metering system.” The Committee concurred with Mr.  
47 Schnepf’s recommendation to modify the language in Section 2.21.2.(a) to replace the words “greater than or equal  
48 to” with “equal to or greater than”. This item did appear as a Voting Item at the 2021 NCWM Annual Meeting but  
49 did not garner enough votes, it was therefore returned to the Committee.

1 NCWM 2022 Interim Meeting: The Committee assigned Voting status for this item at the 2022 Interim Meeting and  
2 extended the effective dates to address concerns expressed during the open hearings.

3 The Committee assigned Voting status to this item because there was support for it and only one regulator spoke  
4 against it. Additionally, the National Propane Gas Association supported the item provided the effective dates were  
5 extended. The Committee made this change.

6 NCWM 2022 Annual Meeting: This item was returned to Committee. Based on a comment from a weight and  
7 measures official during the open hearings at the 2022 Annual Meeting, the Committee amended the title in Section  
8 2.21.1. (c) to read “Liquid Volume”.

9 During the July 2022 Annual Meeting the Committee included this item in the Consent Calendar but it was removed  
10 during the voting session upon request by membership. There was no discussion on the item during the voting and it  
11 failed to receive the necessary 27 votes to pass and was returned to Committee.

12 This is the second time this item has been presented for a vote before membership and returned to the Committee.  
13 Membership is split between whether there is a need for a temperature compensator on meters of 20 gallons or less.  
14 The committee believes this item is fully developed and no addition work is needed.

### 15 **Regional Associations’ Comments:**

16 WWMA 2021 Annual Meeting: Mr. Bruce Swiecicki, (NPGA) – Provided testimony that highlighted concerns from  
17 the background information in the agenda. He commented that with meters dispensing at less than 20 gallons per  
18 minute, automatic temperature compensation would have a minimal effect on small deliveries. Mr. Swiecicki also  
19 commented on the financial burden that would be placed on industry to convert to automatic temperature  
20 compensation. Mr. Matt Douglas, (CDFA-DMS) – Provided testimony that they support the item and there is  
21 redundant language that requires editing.

22 The Committee recommends this as a Voting Item with the following editorial changes and a change in effective date  
23 from January 1, 2024 to January 1, 2025:

### 24 **2.21. Liquefied Petroleum Gas.**

25 **2.21.1. Method of Sale.**  All liquefied petroleum gas, including, but not limited to propane, butane, and  
26 mixtures thereof, shall be kept, offered, exposed for sale, or sold ~~by in~~ accordance with the **following**  
27 **methods of sale** and conditions. ~~If kept, offered, exposed for sale, or sold by:~~

28 (a) **Weight:** by the **kilogram** or pound; ~~or by,~~

29 (b) **Gaseous Volume:** **by the metered cubic meter of vapor (defined as 1 m<sup>3</sup> at 15 °C);** or metered  
30 cubic foot of vapor (defined as 1 ft<sup>3</sup> at 60 °F) <sup>[See Section 2.21. Note]</sup>; ~~or by,~~

31 (c) **Liquid:** **by the liter (defined as 1 liter at 15 °C) or** the gallon (defined as 231 in<sup>3</sup> at 60 °F). ~~All~~  
32 ~~metered sales by the or gallon, except those using meters with a maximum rated capacity of~~  
33 ~~(20 gal)/min or less, shall be accomplished by use of a meter and device that automatically~~  
34 ~~compensates for temperature.~~

35 **2.21.2. Metered Sales by Liquid Volume.**  **All metered sales by liquid volume shall be accomplished**  
36 **using metering systems as follows:**

37 (a) **Sales using metering systems with a maximum rated capacity equal to or greater than 20**  
38 **gal/min shall be accomplished by the use of a metering system that automatically compensates for**  
39 **temperature.**

1           **(b) Sales using metering systems with a maximum rated capacity less than 20 gal/min that were**  
2           **placed into service after January 1, 2025 shall be accomplished by use of a metering system that**  
3           **automatically compensates for the effects of temperature.**

4           **(c) Effective January 1, 2030, all metered sales (through all capacities of metering devices,**  
5           **regardless of installation and service date) shall be accomplished by use of a metering system that**  
6           **automatically compensates for temperature.**

7           Section 2.21. NOTE: Sources: ~~American National Standards Institute, Inc., ANSI B109.1 (2008/2000),~~  
8           ~~“American National Standard For Diaphragm-Type Gas Displacement Meters (14.16 Cubic Meters~~  
9           ~~fUnder 500 Cubic Feet Per Hour Capacity and Under),” and NIST Handbook 44, “Specifications, Tolerances,~~  
10           ~~and Other Technical Requirements for Weighing and Measuring Devices.”~~

11           (Added 1986, Amended 20XX)

12           WWMA L&R Committee believes this item is fully developed, the Committee has the following concerns:

- 13           • The potential lack of effectiveness of automatic temperature compensation on short deliveries.
- 14           • The financial burden on device operators that would be affected by the proposed changes.
- 15           • Would like to hear reasons for lack of supporting votes

16           SWMA 2021 Annual Meeting: NIST OWM provided a written analysis that this proposal is fully developed, and  
17           consideration should be given to delaying the effective date until January 1, 2025. Mr. Tim Chesser (State of  
18           Arkansas) spoke in support of this item as long as the language is amended to an effective date of January 1, 2025.

19           The Committee believes this is fully developed and recommends this as a Voting item with an effective date of January  
20           1, 2025.

21           CWMA 2022 Annual Meeting: Lisa Warfield, NIST Technical Advisor commented that a typical packaging change  
22           is adopted with a three-year lead time from the date of adoption. The Committee believes this item is fully developed  
23           and should remain as a Voting status item and also recommends the three-year implementation suggestion.

24           CWMA recommended it as a Voting Item on the NCWM agenda.

25           NEWMA 2022 Annual Meeting: Jim Willis, NY – Noted that NY has opposed and voiced opposition for this item in  
26           the past. NY believes this is burdensome for regulators and industry and continues to be opposed.

27           No additional comments received during the open hearing.

28           NEWMA L&R Committee recommends this item move forward as a voting item.

29           Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
30           <https://www.ncwm.com/publication-15> to review these documents.

31           Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
32           <https://www.ncwm.com/publication-15> to review these documents.

**MOS-20.5**

**Regional recommendation to NCWM on item status:**

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

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

Mr. Scott Simmons, Colorado believes that the method of sale needs to be fixed, apply the standards we already have in a consistent manner. Mr. Kevin Schnepf, CDFA/DMS, supports this item moving forward.

The WWMA L&R Committee recommends Voting status based on the comments heard.

1

2 **MOS-23.4                      Retail Sales of Electricity Sold as a Vehicle Fuel.**

3 **Source:**

4 NIST Office of Weights and Measures

5 **Purpose:**

6 Align the unit of measurement recognized for electrical energy vehicle fueling equipment in corresponding legal  
7 metrology requirements in NIST Handbook 44 *Specifications, Tolerances, and Other Technical Requirements for*  
8 *Weighing and Measuring Devices* Section 3.40 Electric Vehicle Fueling Systems Code, NIST Handbook 130 *Uniform*  
9 *Laws and Regulations in the Areas of Legal Metrology and Fuel Quality* Part IV. B. Section 2.34 Retail Sales of  
10 Electricity Sold as a Vehicle Fuel, and corresponding international documentary standards.

11 **Item under Consideration:**

12           **2.34. Retail Sales of Electricity Sold as a Vehicle Fuel.**

13 ...

14           **2.34.2. Method of Sale.** – All electrical energy kept, offered, or exposed for sale and sold at retail as a  
15 vehicle fuel shall be in units in terms of the ~~megajoule (MJ) or~~ kilowatt-hour (kWh). In addition to the fee  
16 assessed for the quantity of electrical energy sold, fees may be assessed for other services; such fees may be  
17 based on time measurement and/or a fixed fee.

18           **(Amended 202X)**

19           **2.34.3. Retail Electric Vehicle Supply Equipment (EVSE) Labeling.**

20           (a) A computing EVSE shall display the unit price in whole cents (e.g., \$0.12) or tenths of one cent  
21           (e.g., \$0.119) on the basis of price per ~~megajoule (MJ) or~~ kilowatt-hour (kWh). In cases where  
22           the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of  
23           the unit price.

24           **(Amended 202X)**

1 ...

2 **2.34.4. Street Sign Prices and Other Advertisements.** – Where electrical energy unit price information is  
 3 presented on street signs or in advertising other than on EVSE:

4 (a) The electrical energy unit price shall be in terms of price per ~~megajoule (MJ)~~ or kilowatt-hour  
 5 (kWh) in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119). In cases where the electrical  
 6 energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.

7 **(Amended 202X)**

8 **Previous Action:**

9 New item in 2023

10 **Original Justification:**

11 In harmony with the USNWG’s EVFE Subgroup 2022 recommendation deleting all references to the “megajoule”  
 12 unit of measurement in the device handbook requirements, NIST OWM proposes similar modifications to the method  
 13 of sale regulation for retail sales of electrical energy as a vehicle fuel. The joule unit of measurement is not in use for  
 14 this commercial application. This proposal will align the unit of measurement recognized for electrical energy vehicle  
 15 fueling equipment in corresponding legal metrology requirements in NIST Handbook 44 *Specifications, Tolerances,*  
 16 *and Other Technical Requirements for Weighing and Measuring Devices* Section 3.40 Electric Vehicle Fueling  
 17 Systems Code, NIST Handbook 130 *Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality*  
 18 Part IV. B. Section 2.34 Retail Sales of Electricity Sold as a Vehicle Fuel, and corresponding international  
 19 documentary standards.

20 The 2022 National Conference on Weights and Measures (NCWM) adopted several initial modifications in the device  
 21 handbook code requirements for Electric Vehicle Fueling Systems (aka EVSEs) to include removing the megajoule  
 22 (MJ) SI unit. This modification was made in response to information received from the USNWG’s EVFE Subgroup  
 23 indicating this unit of measurement is not recognized for electrical energy in the SI system (i.e., OIML R 46 *Active*  
 24 *electrical energy meters* and the yet to be published OIML electrical vehicle charging systems standard). During the  
 25 2023 weights and measures standards development cycle further modifications will be proposed by the EVFE  
 26 Subgroup to remove all remaining references to the megajoule in the device requirements. To align the unit of  
 27 measurements recognized for electrical energy vehicle fueling in corresponding legal metrology requirements in NIST  
 28 Handbook 44 and NIST Handbook 130 NIST OWM has developed this proposal for modifying NIST Handbook 130  
 29 method of sale, equipment labeling, signage, and advertising requirements to delete all reference to the megajoule  
 30 (MJ).

31 The submitter acknowledges that Removing the “megajoule (MJ)” unit of measurement from the handbook does not  
 32 conform to the practice in place for applying the concept of primary use of SI (metric) measurements recommended  
 33 in the Omnibus Trade and Competitiveness Act of 1988.

34 Following this practice, the handbooks cite the SI unit before the U.S. customary unit of measurement. Currently, the  
 35 handbook code requirements which apply to measurements of electrical energy when sold as a vehicle fuel the  
 36 requirement specify the megajoule followed by the kilowatt-hour (kWh). It appears the trade practice is limited to the  
 37 kilowatt-hour. Consequently, it is recommended the megajoule no longer be referenced in all handbooks (130 and  
 38 44) for this commercial application and to harmonize with corresponding international standards where units of  
 39 measurement are only expressed only in the kilowatt-hour.

40  
 41 The Joule does not appear to be in use as the unit for measuring the quantity of electrical energy supplied to an EV  
 42 battery. Measurements of electrical energy will be in increments of 0.0001 kWh for AC systems and 0.001 kWh for  
 43 DC fast charging systems. The conversion of a kilowatt-hour to a megajoule is accomplished by multiplying by a  
 44 factor of 3.6 (i.e., 1 kWh = 3 600 000 J = 3 600 kJ = 3.6 MJ). Rather than advance indications of quantity in  
 45 increments of 3.6 the code developers agreed to recognize an increment value for electrical energy when sold as a  
 46 vehicle fuel expressed as 5 (or 5 MJ) in the handbooks, which is an increment that facilitates rounding and calculating  
 47 delivery quantities and the total sale amount. The elimination of the use of the megajoule to require only indications  
 48 in the kilowatt-hour unit of measurement does not appear to adversely affect any EVSEs in commercial use. Should

1 the delivery, displayed quantity, and advertised price of electrical energy move to expressions of quantity by the joule  
2 the handbook could be modified to recognize that unit of measurement.

3 The submitter requested that this be a voting item in 2023.

4 **Comments in Favor:**

5 **Regulatory:**

- 6 •

7 **Industry:**

- 8 •

9 **Advisory:**

- 10 •

11 **Comments Against:**

12 **Regulatory:**

- 13 •

14 **Industry:**

- 15 •

16 **Advisory:**

- 17 •

18 **Neutral Comments:**

19 **Regulatory:**

- 20 •

21 **Industry:**

- 22 •

23 **Advisory:**

- 24 •

25 **Item Development:**

26 New

27 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
28 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

<b>MOS-23.4</b>	
<b>Regional recommendation to NCWM on item status:</b>	
<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>	
<b>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></b>	
Cadence Matijevich, Nevada Department of Agriculture, spoke in support of this item. We heard testimony that this item would harmonize NIST Handbook 130 with NIST Handbook 44. Mr. Kevin Schnepf, CDFR/DMS, supports this item moving forward.	
The WWMA L&R Committee recommends Voting status based on the comments heard.	

1

2 **UPR – UNIFORM UNIT PRICING VERIFICATION**

3 **UPR-23.1 Section 2. Terms for Unit Pricing**

4 **Source:**

5 Vermont Division of Food Safety & Consumer Protection Weights and Measures

6 **Purpose:**

7 Make the Uniform Unit Pricing Regulation in Handbook 130 more comprehensive by adding terms for commodities  
 8 sold by length.

9 **Item under Consideration:**

10 Amend Handbook 130 Uniform Unit Pricing Regulation as follows:

11 **Section 2. Terms for Unit Pricing**

12 The declaration of the unit price of a particular commodity in all package sizes offered for sale in a retail  
 13 establishment shall be uniformly and consistently expressed in terms of:

- 14 (a) Price per kilogram or 100 g, or price per pound or ounce, if the net quantity of contents of  
 15 the commodity is in terms of weight.
- 16 (b) Price per liter or 100 mL, or price per dry quart or dry pint, if the net quantity of contents of  
 17 the commodity is in terms of dry measure or volume.
- 18 (c) Price per liter or 100 mL, or price per gallon, quart, pint, or fluid ounce, if the net quantity of  
 19 contents of the commodity is in terms of liquid volume.
- 20 (d) Price per individual unit or multiple units if the net quantity of contents of the commodity is in terms of  
 21 count.

1 (e) Price per square meter, square decimeter, or square centimeter, or price per square yard, square foot, or  
2 square inch, if the net quantity of contents of the commodity is in terms of area.

3 (f) **Price per meter, decimeter, centimeter or price per yard, foot, or inch, if net quantity of contents**  
4 **of the commodity is in terms of length.**

5 **Previous Action:**

6 New item in 2023

7 **Original Justification:**

8 Unit Pricing allows consumers to make value comparisons of similar products and assists those consumers with  
9 making purchasing decisions. Currently the Uniform Unit Pricing Regulation offers guidance for commodities sold  
10 by weight, dry measure or volume, liquid volume, count, and area. It does not include guidance for commodities sold  
11 by length.

12 The current period of inflation has led to frequent price and package size changes. This is resulting in unit pricing  
13 becoming more critical to consumers who are trying to maximize their purchasing power. Without clear guidance  
14 many of these commodities are being sold by the each or with inconsistent units. This does not allow consumers to  
15 make value comparisons of similar products.

16 Adding the proposed language will add clear guidance to the regulation and assist retailers with providing accurate  
17 unit pricing information to consumers. The guidance will also benefit retailers who are either required to or voluntarily  
18 choose to unit price their commodities by providing specific information to items sold by length. The proposed  
19 language is clear and consistent with the other units of measure currently stated in the regulation.

20 The submitter acknowledges that due to added time and expense, some retailers may be opposed to unit pricing by  
21 length as it adds another category of commodity that is required be addressed. Some retailers may question the value  
22 of unit pricing and feel it is not used or underutilized by consumers.

23 The submitter requested that this be a Voting item in 2023.

24 **Comments in Favor:**

25 **Regulatory:**

- 26 •

27 **Industry:**

- 28 •

29 **Advisory:**

- 30 •

31 **Comments Against:**

32 **Regulatory:**

- 33 •

34 **Industry:**

- 35 •

36 **Advisory:**

- 37 •

38 **Neutral Comments:**



- 1        **Regulatory:**
- 2        •
- 3        **Industry:**
- 4        •
- 5        **Advisory:**
- 6        •

7        **Item Development:**  
 8        New

9        Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
 10       [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

<b>UPR-23.1</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>Mrs. Catherine de Contreras, CDFA/DMS, Kurt Floren of LA County, and David Sefcik of NIST OWM, supports this item moving forward. Mr. Sefcik also brought up adding the term “100-foot,” after the word foot in item (f) to harmonize language with the best practice guide publication NIST SP1181 <i>Unit Pricing Guide</i>.</p> <p><b><u>(f) Price per meter, decimeter, centimeter or price per yard, foot, 100-foot, or inch, if net quantity of contents of the commodity is in terms of length.</u></b></p> <p>The WWMA L&amp;R Committee recommends Voting status with the above changes, based on the comments heard.</p>

11

12        **NTP – UNIFORM REGULATION FOR NATIONAL TYPE EVALUATION**

13        **NTP-23.1                      Section 4. Prohibited Acts and Exemptions**

14

15        **Source:**  
 16        Electrify America

17        **Purpose:**  
 18        Provide provisions for devices in service prior to the expansion of NTEP evaluation of the device category.

19        **Item under Consideration:**  
 20        Amend Handbook 130 Uniform Regulation for National Type Evaluation as follows:

1       **Section 4. Prohibited Acts and Exemptions**

2       ...

3               **(m) A device that is not traceable to an active CC may be used if the following conditions are met:**

4  
5               **(i) Written notification is received by the Director prior to the device being placed in service;**

6  
7               **(ii) The notification is accompanied by documentation demonstrating that the performance and**  
8               **construction of the device type is in conformance with the specifications, tolerances, and other**  
9               **technical requirements of NIST Handbook 44 effective on the date that the device will be placed**  
10              **in service; and**

11              **(iii) The Director has approved the use of the device type pursuant to this paragraph.**

12       **Previous Action:**

13       New item in 2023

14       **Original Justification:**

15       NTEP does not accept applications for evaluations of all categories of devices that are covered by category-specific  
16       standards in Handbook 44. As just a few examples, NTEP does not evaluate timing devices, fabric-measuring  
17       devices, odometers, or milk meters. If a certificate of conformance were an absolute requirement for the lawful use  
18       of a commercial device, the absence of these evaluation programs would present a serious problem, because no  
19       device in these categories would be permissible. The Uniform Regulation in Handbook 130 addresses that situation  
20       by stating that the Uniform Regulation applies to categories for which NTEP has established evaluation procedures.

21  
22       But there remains a problem about categories for which NTEP has not previously established evaluation procedures,  
23       but then newly begins evaluations. This problem has surfaced recently for electric vehicle chargers. Before 2021,  
24       NTEP did not have an evaluation procedure for EV chargers, and it did not accept applications for evaluating them.  
25       In 2021, NTEP published an evaluation protocol for AC chargers, and on July 1, 2022, it issued its first certificate  
26       for an AC charger. As the Uniform Regulation is drafted, there is a significant risk for existing devices. The Uniform  
27       Regulation says a device must be traceable to an active certificate of conformance. Section 4(a), (b). By definition,  
28       a device is traceable to an active CC only if the device “was manufactured during the period that the Certificate was  
29       maintained in active status.” Section 2.1. A device that was manufactured before NTEP was even inspecting a given  
30       category of device was not manufactured during a period withan active certificate. There are various exceptions  
31       in section 4 (such as one-of-a-kind devices, or the change that a statenewly adopts the Uniform Regulation), but  
32       none that works for an existing device in this situation.

33  
34       Many states do not incorporate the Uniform Regulation by reference but have instead drafted their own rules that  
35       are basedon it. Most such states do not incorporate this narrow concept of “traceable,” which produces such potential  
36       difficulties in cases where NTEP transitions by beginning to evaluate a given category of device. Most states that have  
37       drafted their own rules also provide a general-purpose exception, that a device without an NTEP certificate can still  
38       be used if the weights and measures director approves the device type. In 2021, Florida amended its regulations for  
39       exactly that sort of purpose. Previously, Florida absolutely required an NTEP certificate; now, a device without an  
40       NTEP certificate can be used in commercial service if the director has reviewed and approved the device under  
41       Handbook 44 standards.

42       We believe that approach was the original intent of the Uniform Regulation. In other words, NTEP was meant to  
43       provide assistance to state directors, by offering a standard nationwide evaluation they could rely on; but it was not  
44       meant to restrict the ability that state directors used to have, to conduct their own evaluations. The proposed  
45       amendment would clarify that authority, in states that incorporate the Uniform Regulation by reference. Under the  
46       amendment, a director would not be forced to accept or approve devices from before an NTEP transition. But the  
47       director would be able to approve them.

48  
49       The proposal does not limit its scope to devices that were placed in service, installed, or manufactured before a given  
50       point, whether that point is the publication of an evaluation protocol, the opening of NTEP to application, the issuance

1 of the first certificate in a given category, or the issuance of a certificate for a given type. The various options for  
 2 such trigger dates would present unfairness, in various ways. For example, when NTEP has published an evaluation  
 3 protocol, there will typically be an extended period of time during it which it does its first evaluations under the new  
 4 protocol, before it actually issues certificates. It would not be sensible to make the “director approval” available  
 5 only for devices from before the protocol was published, but not those during the intervening period while NTEP  
 6 was getting used to the process in its first evaluations. Then, when NTEP does issue certificates, some device type  
 7 will get the first one. That might be because that manufacturer was first in line, but there could be multiple other  
 8 factors (scheduling at evaluation labs, the complexity of a given design, etc.). It would not seem right to cut off the  
 9 “director approval” option for all other devices just because the first certificate has issued. Besides, the “director  
 10 approval” option should not really be cut off at any point. This option should remain available, not only in NTEP  
 11 transitions but indefinitely, so that a state director retains the discretion and flexibility to approve a device type. So  
 12 that, as was originally intended, the NTEP program is a support and assistance to regulators, rather than a constraint  
 13 on them.

14  
 15 A regulator should not, of course, approve a device type that is not capable of complying with applicable Handbook  
 16 44 standards. The proposal would require that an application for director approval be accompanied by documentation  
 17 showing the device type does comply. The text is modeled on the regulatory amendment that Florida adopted in 2021  
 18 to establish a “director approval” mechanism.

19  
 20 This problem is arising today with respect to EV chargers, and solving it is a nationwide issue to avoid the potential  
 21 replacement of chargers that are adequate and comply with Handbook 44 standards, simply because of a technical  
 22 flaw in the Uniform Regulation. But the problem is likely to recur. EV chargers are not the last device category for  
 23 which there will be an NTEP transition. The lack of a “director approval” exception in the Uniform Regulation is  
 24 likely an oversight from the original drafting, and it should be corrected.

25 The submitter acknowledges that one potential objection would be that this proposal will increase the burden on  
 26 regulators, because they will receive multiple applications for director approval. We believe that concern should not  
 27 lead to rejection of the proposal. Many states already operate a “director approval” mechanism, and we are not aware  
 28 of undue burden they face from applications. Moreover, a given agency would be able to decide how it wants to  
 29 implement or exercise this exception. An agency might, for example, announce that “director approval” is only  
 30 available in certain specified circumstances.

31  
 32 Another objection might be that “director approval” does not need to be written into the Uniform Regulation,  
 33 because directors have this authority anyway. That might be true in many states, but there are likely some states that  
 34 adopt the Uniform Regulation by reference, and where state law does not give the director authority to issue variances.

35 The submitter requested that this be a Voting item.

36 **Comments in Favor:**

37 **Regulatory:**

- 38 •

39 **Industry:**

- 40 •

41 **Advisory:**

- 42 •

43 **Comments Against:**

44 **Regulatory:**

- 45 •

46 **Industry:**

1 •

2 **Advisory:**

3 •

4 **Neutral Comments:**

5 **Regulatory:**

6 •

7 **Industry:**

8 •

9 **Advisory:**

10 •

11 **Item Development:**

12 [Explain any changes made to the original proposal and committee recommendations]

13 **Regional Associations' Comments:**

14 [Refresh each year based on regional reports]

15 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
16 <https://www.ncwm.com/publication-15> to review these documents.

17 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
18 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

**NTP-23.1**

**Regional recommendation to NCWM on item status:**

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

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

Mr. Michael Keilty, representing self, recommends withdrawal. He spoke concerns that this would bypass the NTEP type approval process and have ramifications for all other devices besides EVFS. Mr. Kevin Schnepf, CDFR/DMS, recommended withdrawal, the non-retroactive periods address this issue, and if an item can meet the criteria of part (ii) it can be NTEP type approved. Mr. Kurt Floren, LA County suggests withdrawal of this item.

There was support from representatives Chris King of Siemens and Scheleese Goudy of Electrify America. Mrs. Goudy explained that states such as Florida have recently developed regulations in order to allow the director to accept devices.

The Western recognizes the concerns addressed by this proposal but feel this is not the appropriate method to solve them. Rather than modifying the NTEP approval process, these concerns would best be addressed by non-retroactive dates or other EVFS specific codes.

Therefore, the WWMA L&R Committee recommends this item be withdrawn.

1

2 **FLR – UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION**

3 **FLR-23.3                      Section 2.20. Hydrogen Fuel.**

4 **Source:**

5 Quong and Associates

6 **Purpose:**

7 Add equivalent hydrogen quality standard, ISO 14687 to 2.20.

8 **Item under Consideration:**

9 Amend Handbook 130 Uniform Fuels and Automotive Lubricants Regulation as follows:

10 **2.20. Hydrogen Fuel.** – Shall meet the latest version of SAE J2719, “Hydrogen Fuel Quality for Fuel Cell  
11 Vehicles.” **or ISO14687 “Hydrogen fuel quality — Product specification”.**  
12 (Added 2012) (**Amended 20XX**)

13 **Previous Action:**

14 New item in 2023

1 **Original Justification:**

2 As hydrogen fuel cell vehicles expand worldwide, the codes and standards that support them have also moved to an  
3 international stage. Currently, most of the hydrogen quality requirements for fuel cell vehicles have occurred under  
4 the International Organization for Standardization (ISO) 14687 “Hydrogen fuel quality — Product specification”. The  
5 latest revision of ISO 14687 occurred in 2019, and SAE 2719 was updated in 2020 to match. The attached document  
6 compares the latest hydrogen fuel quality specifications in ISO 14687 2019 and SAE J2719 2020. Having both  
7 requirements will allow the user of the station to use the most updated specification and ensure that fuel cell vehicles  
8 are protected from contaminated fuel.

9 Some may argue that Argument: The updates in ISO 14687 could be considered a relaxation of the hydrogen quality  
10 requirements. The submitter explained that the changes were made to provide flexibility for contaminants which  
11 could not damage the fuel cell vehicle, or combine contaminants with similar characteristics, such as inert gases or  
12 carbon monoxide/ formaldehyde/formic acid.

13 The submitter requested that this be a voting item.

14 **Comments in Favor:**

15 **Regulatory:**

- 16 •

17 **Industry:**

- 18 •

19 **Advisory:**

- 20 •

21 **Comments Against:**

22 **Regulatory:**

- 23 •

24 **Industry:**

- 25 •

26 **Advisory:**

- 27 •

28 **Neutral Comments:**

29 **Regulatory:**

- 30 •

31 **Industry:**

- 32 •

33 **Advisory:**

- 34 •

35 **Item Development:**

36 New

37 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
38 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

<b>FLR-23.3</b>	
<b>Regional recommendation to NCWM on item status:</b>	
<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>	
<b>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></b>	
<p>Mr. Kevin Schnepf, CDFA/DMS, mentioned that the two systems, ISO and SAE are not always aligned. They are meant to be aligned but when changes are made those changes may be adopted at different times (example of 6-month gap in 2019). Also mentioned that the reference standards in the ISO are specifically section (d) of 14687, and this should be referenced specifically. He also mentioned that there may not be a need for this item. The Committee suggests the edits below.</p> <p><b>2.20. Hydrogen Fuel.</b> – Shall meet the latest version of SAE J2719, “Hydrogen Fuel Quality for Fuel Cell Vehicles.” <u>Or ISO14687 Grade (D) “Hydrogen fuel quality – Product specification”.</u>                      (Added 2012) <u>(Amended 20XX)</u></p> <p>The WWMA L&amp;R Committee recommends Voting status with the above revisions based on the comments heard.</p>	

1

2 **FLR-23.4                      Section 4.3. Dispenser Filters**

3

4 **Source:**  
 5 Quong and Associates, Inc.

6 **Purpose:**  
 7 Add a filter requirement for hydrogen commercials.

8 **Item under Consideration:**  
 9 Amend Handbook 130, Uniform Fuels and Automotive Lubricants Regulation as follows:

10 **4.3. Dispenser Filters**

11

12 **4.3.1 Engine Fuel Dispensers**

13

14 (a) All gasoline, gasoline-alcohol blends, gasoline-ether blends, ethanol flex fuel, and M85  
 15 methanol dispensers shall have a 10micron or smaller nominal pore-sized filter.

16 (b) All biodiesel, biodiesel blends, diesel, and kerosene dispensers shall have a 30 micron or smaller  
 17 nominal pore-sized filter.

18 (c) All gaseous hydrogen dispensers shall have a 5 micron or smaller nominal pore-sized filter, and a  
 19 filter to protect the vehicle from liquid contamination.

20 (Amended 2014, 20XX)

1 **Previous Action:**

2 New item in 2023

3 **Original Justification:**

4 Filter requirements for gasoline and diesel dispensing systems are already included in NIST Handbook 130 and are  
5 intended to protect the vehicle from particulate contamination. The same requirement is necessary for gaseous hydrogen  
6 dispensing systems because the particulates can harm the vehicle valves and other components. In addition, a liquid  
7 filter is necessary because water, oil, or other contaminants can freeze inside valves or cause damage to the fuel cell  
8 stack. The National Renewable Energy Laboratory (NREL) captures hydrogen quality and other data from US  
9 hydrogen dispensers. The attached slides show that particulates and hydrogen have exceeded the current limit set in  
10 SAE J2719 and required in Section 2.20 of NIST Handbook 130. Adding a filter requirement, similar to other fuels,  
11 is a simple solution that ensures proper hydrogen fuel quality and protects the vehicle from damage.

12 Some may argue that the requirement for filters is onerous and not necessary, but the submitter adds that filters are  
13 commonly used at most hydrogen dispensers and are required by the following hydrogen standards (see supporting  
14 documents on the NCWM website for exact text):

- 15 • CSA/ANSI HGV 4.1 “Standard for hydrogen-dispensing systems”
- 16 • CSA/ANSI HGV 4.9 “Hydrogen fueling stations”
- 17 • ISO 19880-1 “Gaseous hydrogen — Fueling stations — Part 1: General requirements”

18 The submitter requested that this be a voting item as a retroactive requirement.

19 **Comments in Favor:**

20 **Regulatory:**

- 21 •

22 **Industry:**

- 23 •

24 **Advisory:**

- 25 •

26 **Comments Against:**

27 **Regulatory:**

- 28 •

29 **Industry:**

- 30 •

31 **Advisory:**

- 32 •

33 **Neutral Comments:**

34 **Regulatory:**

- 35 •

36 **Industry:**

- 37 •

38 **Advisory:**

- 39 •



1 **Item Development:**

2 New

3 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
 4 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

FLR-23.4
<p><b>Regional recommendation to NCWM on item status:</b></p> <p> <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>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>Mr. Kevin Schnepf, CDE/DMS, supports this item moving forward as voting.</p> <p>The WWMA L&amp;R Committee recommends Voting status based on the comments heard with the following minor editorial change:  <u><b>(c) All gaseous hydrogen dispensers shall have a 5 micron or smaller nominal pore-sized filter and a filter to protect the vehicle from liquid contamination.</b></u>  <b>(Amended 2014, 20XX)</b></p>

5

6 **FLR-23.5                      Section 4.4. Product Storage Identification., 4.4.3. Dispenser Identification**

7 **Source:**

8 Delaware Weights and Measures

9 **Purpose:**

10 Make product lines distinguishable so Inspectors and Service Technicians can easily identify defective equipment.

11 **Item under Consideration:**

12 Amend Handbook 130 Uniform Fuels and Automotive Lubricants Regulation as follows:

13 **4.4. Product Storage Identification.**

14 **4.4.1. Fill Connection Labeling.** – The fill connection for any fuel product storage tank or  
 15 vessel supplying engine-fuel devices shall be permanently, plainly, and visibly marked as to the  
 16 product contained.

17 (Amended 2008)

18 **4.4.2. Declaration of Meaning of Color Code.** – When the fill connection device is marked  
 19 by means of a color code, the color code shall be conspicuously displayed at the place of business  
 20 and the API color codes as specified and published in “API Recommended Practice 1637, Using  
 21 the API Color-Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum  
 22 Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals” shall  
 23 be used.

(Amended 2018)

**4.4.3. Dispenser Identification. - Inside the dispenser cabinet, the individual dispenser supply piping or the individual meters must be marked by either a label or by color (as defined in 4.4.2) as to the grade of fuel that they provide.**

**Previous Action:**

New Item in 2023

**Original Justification:**

With the development of new technologies, there is no way for an Inspector to differentiate which meter is supplying fuel to the discharge hose on certain dispensers. In the past, a cog, a gear or totalizer would be visible, and you could identify which meter belonged to which grade of fuel. If the meter is leaking today, you must fail all grades because you cannot verify which grade is at issue. With pulsers, and security covers to prevent access, you cannot see which meter is actually moving product. The easiest solution would be to spray paint a spot on the supply line with white for Regular, red for Premium, yellow for Diesel, etc. This would also be beneficial when verifying which type of filter must be installed (10 micron for Unleaded or 30 micron for Diesel/Kerosene). This would also be beneficial to Service Technicians, saving them time to verify which line is which when doing maintenance and repairs.

This could be non-retroactive to alleviate Retailers from incurring new expenses but would be more beneficial if it were Retroactive.



The submitter acknowledged that this would be one more added expense and extra step to installing a dispenser. If the law was retroactive, it would be costly for the retailer to have a service person come and make the needed markings if that retailer was unable to do it themselves.

1 The submitter requested that this be a Voting item in 2023.

2 **Comments in Favor:**

3 **Regulatory:**

- 4 •

5 **Industry:**

- 6 •

7 **Advisory:**

- 8 •

9 **Comments Against:**

10 **Regulatory:**

- 11 •

12 **Industry:**

- 13 •

14 **Advisory:**

- 15 •

16 **Neutral Comments:**

17 **Regulatory:**

- 18 •

19 **Industry:**

- 20 •

21 **Advisory:**

- 22 •

23 **Item Development:**

24 New

25 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
26 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

**FLR-23.5**

**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)*
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*(In the case of new proposals, do not forward this item to NCWM)*
- No recommendation from the region to NCWM  
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**Comments and justification for the regional recommendation to NCWM: *(This will appear in NCWM reports)***

Prentice Searles from API voiced concerns over the costs to industry, dispensers and piping are often moved around and repurposed over time resulting in ongoing costs and recommended withdrawal, as he does not see benefit to outweigh the costs. Scott Simmons, Colorado, spoke in opposition to this item and recommended withdrawal. Mr. Kevin Schnepf, CDFR/DMS, recommended withdrawal.

The WWMA L&R Committee heard no testimony in support of this item, and therefore recommends the item be withdrawn.

1

2 **PPV – EXAM PROCEDURE FOR PRICE VERIFICATION**

3 **PPV-23.1 Inspection Procedures of Online Orders**

4 **Source:**

5 Kansas Department of Agriculture

6 **Purpose:**

7 Create price verification inspection procedures for online orders.

8 **Item Under Consideration:**

9 Amend Handbook 130, Examination Procedure for Price Verification, as follows:

10 Form a NCWM Task Group to develop price verification inspection procedures for online orders.

11 **Previous Action:**

12 2023: New Item

13

14 **Original Justification:**

15 The current procedure is inadequate to address pricing accuracy when shopping online. The submitter acknowledges  
16 that some may believe this is impractical.

17 **Requested Status by Submitter:** Assigned to a Task Group

1 **Comments in Favor:**

2 **Regulatory:**

3

4 **Industry:**

5 •

6 **Advisory:**

7 •

8 **Comments Against:**

9 **Regulatory:**

10

11 **Industry:**

12 •

13 **Advisory:**

14 •

15 **Neutral Comments:**

16 **Regulatory:**

17

18 **Industry:**

19 •

20 **Advisory:**

21 •

22 **Item Development:**

23 New

24 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
25 [www.nwmm.com/publication-15](http://www.nwmm.com/publication-15) to review these documents.

<b>PPV-23.1</b>
<b>Regional recommendation to NCWM on item status:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li><li><input checked="" type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li><li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li><li><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li><li><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></li><li><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></li></ul>
<b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i> <p>Mr. Kurt Floren, LA County, recommended withdrawal of this item because it is premature. His thoughts were that e-commerce regulations, including several proposals in this agenda, are still being developed. We cannot develop inspection procedures to enforce regulations that do not yet exist.</p> <p>The WWMA L&amp;R Committee recommends this item as informational; formation of a task group is premature until we have e-commerce model regulations in place.</p>

1

2 **NET – HANDBOOK 133: CHECKING THE NET CONTENT OF PACKAGED GOODS**

3 **NET-22.1          A    HB133, Section 1.2.6. Deviations Caused by Moisture Loss or Gain and**  
4 **Section 2.3.8. Table 2-3 Moisture Allowances.**

5 **Source:**  
6 NCWM Cannabis Task Group

7 **Purpose:**  
8 Establish an acceptable Net Weight allowance for *Cannabis*, which is related to the MOS Form 15 related to water  
9 activity and the Packaging and Labeling Form 15 Sections 2 and 10.

10 **Item Under Consideration:**  
11 Amend Handbook 133, Checking the Net Contents of Packaged Goods, as follows:

12 **1.2.6. Deviations Caused by Moisture Loss or Gain**

13        Deviations from the net quantity of contents caused by the loss or gain of moisture from the package are permitted  
14 when they are caused by ordinary and customary exposure to conditions that normally occur in good distribution  
15 practice and that unavoidably result in change of weight or measure. According to regulations adopted by the  
16 U.S. Environmental Protection Agency, no moisture loss is recognized on pesticides. (see Code of Federal  
17 Regulations 40 CFR 156.10.)

18 **1.2.6.1. Applying a Moisture Allowance**

19        Some packaged products may lose or gain moisture and, therefore, lose or gain weight or volume after  
20 packaging. The amount of moisture loss depends upon the nature of the product, the packaging material,  
21 the length of time it is in distribution, environmental conditions, and other factors. Moisture loss may  
22 occur even when manufacturers follow good distribution practices. Loss of weight “due to exposure” may

1 include solvent evaporation, not just loss of water. For loss or gain of moisture, the moisture allowances  
 2 may be applied before or after the package errors are determined.

3 To apply an allowance before determining package errors, adjust the Nominal Gross Weight (see Section  
 4 2.3.6. “Determine Nominal Gross Weight and Package Errors”), so the package errors are increased by  
 5 an amount equal to the moisture allowance. This approach is used to account for moisture loss in both the  
 6 average and individual package errors.

7 It is also permissible to apply the moisture allowances after individual package errors and average errors  
 8 are determined.

9 **Example:**

10 *A sample of a product that could be subject to moisture loss might fail because the average*  
 11 *error is minus or the error in several of the sample packages are found to be unreasonable*  
 12 *errors (i.e., the package error is greater than the Maximum Allowable Variation (MAV)*  
 13 *permitted for the package’s labeled quantity).*

14 You may apply a moisture allowance after determining the package errors by adding the allowance to the  
 15 Sample Error Limit (SEL) and then, comparing the average error to the SEL to determine compliance.  
 16 The moisture allowance must be added to the MAV before evaluating sample errors to identify  
 17 unreasonable minus errors.

18 (Amended 2010)

19 This handbook provides “moisture allowances” for some meat and poultry products, flour,  
 20 pasta, **Cannabis (this only includes plant material but does not include products containing**  
 21 **Cannabis** and dry pet food. (see Chapter 2, Table 2-3. “Moisture Allowances”) These allowances are  
 22 based on the premise that when the average net weight of a sample is found to be less than the labeled  
 23 weight, but not by an amount that exceeds the allowable limit, either the lot is declared to be within the  
 24 moisture allowance or more information must be collected before deciding lot  
 25 compliance or noncompliance.

26 Test procedures for flour, some meat, and poultry are based on the concept of a “moisture allowance” also  
 27 known as a “gray area” or “no decision” area (see Section 2.3.8. “Moisture Allowances”). When the average  
 28 net weight of a sample is found to be less than the labeled weight, but not more than the boundary of the  
 29 “gray area,” the lot is said to be in the “gray” or “no decision” area. The gray area is not a tolerance. More  
 30 information must be collected before lot compliance or noncompliance can be decided.

31 Appropriate enforcement should be taken on packages found short weight and outside of the “moisture  
 32 allowance” or “gray area.”

33 (Amended 2002)

34

...Table 2-3. Moisture Allowances		
Verifying the labeled net weight of packages of:	Moisture Allowance is:	Notes
Flour	3 %	

Dryet food	3 %	Dry pet food means all extruded dog and cat foods and baked treats packaged in Kraft paper bags and/or cardboard boxes with a moisture content of 13 % or less at time of pack.
Pasta products	3 %	Pasta products means all macaroni, noodle, and like products packaged in kraft paper bags, paperboard cartons, and/or flexible plastic bags with a moisture content of 13 % or less at the time of pack.
Borax	see Section 2.4. Borax	
<b><u>Cannabis</u></b>	<b><u>3 %</u></b>	<b><u>Cannabis means plant material only, and not products containing Cannabis, whether containing more than 0.3% Total Delta-9 THC (also known as cannabis, Marijuana or Marihuana) or containing 0.3% or less Total Delta-9 THC (also known as Hemp).</u></b>
<b>Wet Tare Only<sup>1</sup></b>		
Fresh poultry	3 %	Fresh poultry is defined as poultry above a temperature of – 3 °C (26 °F) that yields or gives when pushed with the thumb.
Franks or hot dogs	2.5 %	
Bacon, fresh sausage, and luncheon meats	0 %	For packages of bacon, fresh sausage, and luncheon meats, there is no moisture allowance if there is no free-flowing liquid or absorbent material in contact with the product and the package is cleaned of clinging material. Luncheon meats are any cooked sausage product, loaves, jellied products, cured products, and any sliced sandwich-style meat. This does not include whole hams, briskets, roasts, turkeys, or chickens requiring further preparation to be made into ready-to-eat sliced product. When there is no free-flowing liquid inside the package and there are no absorbent materials in contact with the product, Wet Tare and Used Dried Tare are equivalent.
<p><sup>1</sup>Wet tare procedures must not be used to verify the labeled net weight of packages of meat and poultry packed at an official United States Department of Agriculture (USDA) facility and bearing a USDA seal of inspection. The Food Safety and Inspection Service (FSIS) adopted specific sections of the 2005 4th edition of NIST Handbook 133 by reference in 2008 but not the “Wet Tare” method for determining net weight compliance. FSIS considers the free-flowing liquids in packages of meat and poultry products, including single-ingredient, raw poultry products, to be integral components of these products (see Federal Register, September 9, 2008 [Volume 73, Number 175] [Final Rule – pages 52189-52193]).</p>		

1 **Previous Action:**  
 2 2022: Assigned - Cannabis Task Group

3 **Original Justification:**  
 4 Since *Cannabis* and *Cannabis*-containing products were first legalized by various states, the industry has undergone  
 5 an unprecedented expansion. Even though these products haven’t received Federal approval at this time, more and  
 6 more states have supported *Cannabis* and *Cannabis*- containing products for medicinal or adult use under their own



1 laws. This has resulted in boutique markets developing across the country with restrictive state boundaries for lack of  
2 clarity and uniformity in commercialization of these products.

3 *Cannabis* and *Cannabis*- containing products are unique in many aspects; they have a niche as medicine, have resulted  
4 in the development of adult use markets, and have an incredible array of different manufacturing and industrial  
5 applications. Some of these products contain controlled substances which presents a special concern for the safety  
6 and welfare of consumers if misused or mishandled. Further, they are subject to strict regulations by multiple  
7 government agencies. *Cannabis* and *Cannabis*- containing products and applications range from non-food to food  
8 products for human and animal consumption through inhalation, ingestion, and/or topical or dermal application. They  
9 can be used as ingredients in other commodities, changing in most cases the product identity to *Cannabis* products.  
10 Some *Cannabis* is very susceptible to environmental conditions easily losing or gaining moisture with consequences  
11 impacting net quantity, degradation of active cannabinoids, and/or microbial proliferation depending on the situation.  
12 These are just some of the reasons there are many concerns and uncertainty surrounding the moisture allowance of  
13 *Cannabis*.

14 In the retail *Cannabis* trade, insufficient attention and guidance is given to moisture migration in or out of some  
15 *Cannabis* packaging and as a result, the contents of some *Cannabis* flower packaging have been found to be  
16 underweight, resulting in the patient/consumer paying for weight that they are not receiving. For instance, underweight  
17 complaints are the #1 consumer complaint in Oregon. See attached table for data from multiple stores of four brands  
18 and the incidence of underweight contents.

19 **Preview: If you were shopping any one of 3 stores of a popular brand you'd have a 71% chance of buying a**  
20 **supposedly 1.75g package that is 21.6% underweight, meaning you have a 71% chance of being ripped off by**  
21 **\$5 (assuming a \$10/g price). The lowest incidence of underweight? 54%. The lowest percent underweight?**  
22 **2.75%**

23 For the fairness and safety of *Cannabis* consumers, a 3% +/- weight variance based on enforcement of acceptable  
24 moisture range needs to be established. A 3% allowance aligns with other known commodities and with California  
25 regulations that outline +/- 3%.

26 **Why 3%?** Consistent with other items in NIST handbook, aligns with California. If the boundaries are too wide, it  
27 exposes the program to diversion.

28 **Is underweight really an issue?** I filed Public Records requests with every state that allows *Cannabis* flower  
29 commerce. Each of them told me they keep no official records on underweight complaints. However, Oregon went  
30 on record telling me underweight is one of their largest complaints (attached). As for one other state, see attached data  
31 from Colorado that recorded 69 separate container purchases from 18 separate stores within 4 brands.

32 The submitter asked that this be a Voting Item in 2022.

33

34 **Comments in Favor:**

35 **Regulatory:**

- 36
  - None

37 **Industry:**

- 38
  - None

39 **Advisory:**

- 40
  - None

41 **Comments Against:**

1           **Regulatory:**

- 2           • None

3           **Industry:**

- 4           • None

5           **Advisory:**

- 6           • None

7   **Neutral Comments:**

8           **Regulatory:**

- 9           • None

10          **Industry:**

- 11          • None

12          **Advisory:**

- 13          • None

14   **Item Development:**

15   NCWM 2022 Interim Meeting: The Committee designated this item as Assigned at the 2022 NCWM Interim Meeting  
16   and removed it from Block 3 (B3). The Committee referred it back to the NCWM Cannabis Task Group to conduct  
17   a study relative to moisture loss allowance for Cannabis.

18   The Committee referred it back to the NCWM Cannabis Task Group to establish data supporting the moisture loss  
19   allowance the Task Group recommended. The Committee heard concerns that should the current moisture loss  
20   allowance be accepted without a study, the NCWM would be setting a precedence for future moisture loss allowance  
21   requests. The Committee considered comments urging the Committee to move forward with the +/- 3 % moisture  
22   loss allowance but believes it would be imprudent to accept a moisture loss allowance without supporting data.

23   The Committee is recommending the NCWM Cannabis Task Group to follow NIST Handbook 130, NCWM,  
24   Interpretations and Guidelines section 2.5.6 Guidelines for NCWM Resolution of Requests for Recognition of  
25   Moisture Loss in Other Packaged Products to establish the moisture allowances (loss and gain).

26   A request was made to the Cannabis Task Group for information and data supporting their proposed moisture loss  
27   allowance, but as of the time of this writing it was not received.

28   The Committee assigned Voting status to items B3: PAL-22.1, B3: PAL 22.2 and B3: MOS-22-2 because they heard  
29   support for these items and believe they are fully developed.

30   NCWM 2022 Annual Meeting: This item was originally included in Item Block 3 (B3) but was removed by the  
31   Committee at the 2022 Annual meeting. Its status remains “Assigned”. The other items were “Voting” items.

32   The Committee heard from the Cannabis Task Group that work on studying moisture loss has begun. Cannabis Task  
33   Group Co-Chair Charlie Rutherford informed the Committee that the Task Group is working with the State of  
34   Michigan, a packaging company, and a cannabis provider to study moisture loss.

35   The Committee heard from Dave Sefcik, NIST, OWM during the open hearings. Mr. Sefcik shared the following  
36   with the Committee: “In contrast to hemp, marijuana remains a Schedule I substance under the Controlled Substances  
37   Act. NIST does not have a regulatory or policy role related to the production, sale, distribution, or use of cannabis

1 (including hemp and marijuana). NIST participates in the National Conference of Weights and Measures as part of  
 2 NIST’s statutory mission to promote uniformity in state laws, regulations, and testing procedures.”

3 The Committee considered the written NIST, OWM analysis published on the NCWM website prior to the NCWM  
 4 2022 Annual Meeting.

5 **Regional Associations’ Comments:**

6 WWMA 2021 Annual Meeting: Ms. Wendy Hahn, (County of Stanislaus, CA) - Provided testimony regarding an  
 7 editorial change in PAL 22.2 10.XX. (b) to change the word “that” to “than”. Ms. Hahn also expressed concern that  
 8 the Items concerned with percentages of THC were of a more qualitative nature and not necessarily within the purview  
 9 of weights and measures. Mr. Kurt Floren, (County of Los Angeles, CA) – Mr. Floren addressed the comments and  
 10 concerns on quality issues as a general matter is not our purview in weights and measures. He mentioned how quality  
 11 issues are a purview of weights and measures in matters of fuel with octane levels and viscosity of oils that must meet  
 12 standards. He mentioned that this would be similar in Cannabis, in that THC levels are a part of the identity of the  
 13 product, and that it is an important component in determining the value and allowing for value comparison. Mr. Floren  
 14 stated that States are in different stages of regulation, and there is going to be a need for uniform standards. The goal  
 15 of these regulations is to create acceptable uniformity that can be applied to this unique product. Mr. Charlie  
 16 Rutherford, (Co-Chair of Cannabis TG, CPR<sup>2</sup>)- Provided testimony that supported Mr. Kurt Floren’s comments by  
 17 drawing a comparison of THC content to the proof of alcohol and it being an important aspect of value comparison.  
 18 He mentioned that cannabis is a unique industry with a high black-market value and that it is unique with regards to  
 19 water activity and that regulations regarding water activity are needed to help avoid manipulation. Ms. Cadence  
 20 Matijevich (State of Nevada) - Provided testimony that the State of Nevada’s Department of Agriculture does not have  
 21 authority over cannabis packaging and labeling regulations, that it is under the purview of the Nevada Cannabis  
 22 Commission, but that they are willing to participate in drafting regulations. Mr. Joe Moreo (County of Trinity, CA) -  
 23 Provided testimony that different species of Cannabis should also be provided in the definition of the Cannabis and  
 24 Cannabis Products. He suggested including Cannabis indica and Cannabis ruderalis. Ms. Lisa Warfield, (NIST OWM)  
 25 - Provided testimony that was based on the OWM Analysis that was submitted as the supporting documentation.

26 The Committee recommends this Item be Assigned to the Cannabis Task Group. We recommend the National NCWM  
 27 L&R Committee consider the following:

- 28 • The need to establish an authority in the Uniform Weights and Measures law to provide jurisdictions with  
 29 authority to enforce the proposed regulations.
- 30 • Conduct outreach to state authorities and the industry groups to gain a deeper understanding of the issues  
 31 pertaining to this item.
- 32 • Conduct a survey of the jurisdictions, where the following items are addressed:
- 33 • Have Directors consult with their department’s attorney to determine if adding the definition and other  
 34 Cannabis proposed requirements to the uniform packaging and labeling regulation or method of sale for  
 35 commodities regulations will cause a conflict with other state laws or regulations.
- 36 • Establishing the method of sale by weight and establishing minimum load requirement to NIST Handbook  
 37 44 are of course within weights and measures authority but some of the labeling and method of sale  
 38 requirements may not be within the current regulatory authority of some weights and measures programs.
- 39 • The most significant question is if state’s weights and measure law authorize the director to adopt rules and  
 40 regulations that require ingredient labeling, safety warnings, potency declarations and if they allow the  
 41 director to establish and enforce water activity limits and verify potency labeling.

42 Many of the State’s weights and measures laws may not give the state director authority to regulate the types of  
 43 Cannabis labeling. Amended language will be required to the Uniform Weights and Measures Law to add the needed  
 44 authority. The following proposed language from the OWM analysis supporting documentation is recommended by  
 45 the Committee:

46 **Section 11. Powers and Duties of the Director**

47 The Director shall:

1 (c) for Cannabis and Products Containing Cannabinoid(s)

2 (1) Prescribe by regulation:

3 i. reasonable variations in quantity caused by the loss or gain of moisture during current good  
4 distribution practice or by unavoidable deviations in current good manufacturing practice and  
5 procedures for moisture determination;

6 ii. labeling requirements for and defining reasonable variations in water activity that occur in  
7 current good manufacturing practice and current good distribution practice and  
8 procedures for the measurement of water activity;

9 iii. labeling requirements for and define reasonable variations in levels of cannabinoid: delta-9  
10 THC, delta-8 THC (potency) that occur in current good manufacturing practice and current  
11 good distribution practice and procedures for the measurement of potency; and

12 iv. packaging and labeling requirements that may include, among other requirements, the  
13 characteristics of the packaging (e.g., color) and type of packaging (e.g., tamper evident,  
14 childproof), requirements for identity, ingredients, product lot code and date of packaging,  
15 contact information of the packer, special symbols or warnings, and potency. The  
16 requirements may also include prohibitions on packaging that may be misleading or  
17 confusing.

18 (2) The Director may prescribe by regulation, programs that utilize accredited testing laboratories  
19 and may enter into agreements to utilize conformity assessment programs and other technical  
20 services to ensure compliance with any of the prescribed requirements.

21 PAL 22.1-: The agenda item title should be corrected to: **B3: PALS -22.1. Section 2. Definitions 2.XX Cannabis**  
22 **and Cannabis-Containing Products.**

23 The Committee recommends that the Task Group consider altering the definition of “Cannabis and Cannabis  
24 Containing Products” utilizing the minor edits presented in the OWM Analysis supporting documentation. The  
25 Committee also recommends including the comments from Joe Moreo during open hearing testimony that other  
26 species of the Cannabaceae family such as, Cannabis indica and Cannabis ruderalis may need to be included in the  
27 definition.

28 2.XX. Cannabis and Cannabis-Containing Products – Cannabis is a genus of flowering plants in the family  
29 Cannabaceae, of which Cannabis sativa, Cannabis indica, Cannabis ruderalis is are a species. This definition includes  
30 products that contain 0.3 percent or less of Total Delta-9 THC (also known as Hemp) and products that contain more  
31 than 0.3 percent of Total Delta-9 THC (also known as Cannabis, Marijuana or Marihuana).

32 PAL 22.2-: The agenda item title should be corrected to: **Section 10. Exemptions, 10.XX Cannabis and Cannabis-**  
33 **Containing Products.**

34 The Committee recommends that the Cannabis TG consider altering the proposed language for this item. The intent  
35 of the item and the language is unclear, and the Committee recommends that the Cannabis TG review the language  
36 and the questions posed in the OWM analysis supporting documentation, to clarify intent and comprehensively address  
37 exemptions.

38 MOS 22.2- The Committee feels that this item is mostly developed but has concerns regarding the parts that address  
39 water activity. The Committee recommends that Cannabis TG review the OWM analysis supporting documentation  
40 and address questions regarding water activity including test procedures.

41 NET 22.1- The agenda item title should be corrected to: **B3: NET-22.1. HB133, Section 1.2.6. Deviations Caused**  
42 **by Moisture Loss or Gain and Section 2.3.8. Table 2-3 Moisture Allowances.**

43 The Committee recommends that this item be further developed. The Committee recommends reviewing the OWM  
44 analysis supporting documentation and addressing the concerns with testing procedure, testing equipment, and the  
45 need for technical studies regarding moisture loss and gain.

1 SWMA 2021 Annual Meeting: Dr. Matthew Curran (State of Florida) - Commented on the misinformation provided  
 2 on the correlation between water activity and moisture content. He had provided a general overview of the two subjects  
 3 and how they could be confused with one another. He wanted to provide information about the whole purpose of the  
 4 block item and the work that the task group has done to develop it. He also wanted to address concerns from others in  
 5 Weights and Measures(W&M) who have stated that labeling of THC content is not a W&M issue; however, in his  
 6 state complaints have already begun questioning content and quality of cannabis products in various forms. He  
 7 encouraged the committee and the attendees to move these items forward as a voting item. He is concerned that not  
 8 moving forward on this subject could be a detriment to the consumers due to a lack of regulations in the market.

9 Mr. Tim Chesser (State of Arkansas) - Spoke in favor of this group item, except for declaration of net quantity of  
 10 active ingredients, specifically THC content. He does not believe that it is a Weights and Measures issue and, if passed,  
 11 his state would strike the statement.

12 Mr. Charlie Rutherford (ASTM D37 Cannabis and NCWM Cannabis Task Group representative) - Wanted to make  
 13 clear that he did not represent a water activity meter company. He clarified that his group had completed the outreach  
 14 recommended by OWM. He brought to light the potential for these products to be distributed on the black market due  
 15 to their high value.

16 The SWMA L & R Committee recommends the block as a voting item, with the following language changes to the  
 17 following sections:

18 PAL-22.1

19 The committee wants to consider the suggestion from the OWM to change from the symbol for percent (%) to the  
 20 written word percent. In addition, change the word “section” to “definition”. The suggested language would read as  
 21 follows:

22 **2.XX. Cannabis and Cannabis-Containing Products – Cannabis is a genus of flowering plants in the family**  
 23 **Cannabaceae, of which Cannabis sativa is a species. This definition includes products containing more**  
 24 **than 0.3 percent Total Delta-9 THC (also known as Cannabis, Marijuana or Marihuana) and products**  
 25 **containing 0.3 percent or less Total Delta-9 THC (also known as Hemp).**

26 PAL-22.2

27 **10.XX. Cannabis and Cannabis-Containing Products- Any Cannabis or Cannabis-containing products, with**  
 28 **the exception of commodities listed under Section 10.9 Textile Products, Threads and Yarns and other non-**  
 29 **food products not intended for human or animal application, shall bear on the outside of the package the**  
 30 **following:**

31 **(a) On the principal display panel**

32 **(i) The statement “Contains Cannabis.”**

33 **(b) On any panel or surface of the package**

34 **(i) The statement “Contains more than 0.3% Total Delta-9 THC” or “Contains 0.3% Total Delta-**  
 35 **9 THC or less.”**

36 **(ii) A declaration of the number of milligrams of each marketed cannabinoid per serving or**  
 37 **application.**

38 MOS-22.2

39 **1.XX.X. Water Activity-When unprocessed Cannabis, is kept, offered, or exposed for sale, sold, bartered,**  
 40 **or exchanged, or ownership transfers, the water activity shall be 0.6 (± 0.05).**

1 **2.XX.X. Water Activity-When unprocessed Cannabis, is kept, offered, or exposed for sale, sold, bartered,**  
2 **or exchanged, or ownership transfers, the water activity shall be 0.6 (± 0.05).**

3 The Committee believes this Item Block 3 (B3) is fully developed and recommends it to go to the NCWM L & R  
4 Committee with a Voting status. The Committee recommends the Cannabis Task Group (CTG) take into consideration  
5 recommendations from the OWM analysis, i.e., the survey to State Directors, this could help identify the need for  
6 development of items in other sections of the Handbooks, i.e., Powers and Duties of the Director.

7 CWMA 2022 Annual Meeting: No comments were heard.

8 NEWMA 2022 Annual Meeting: John McGuire, Chairman NEWMA L&R Committee, NJ – Noted that the NCWM  
9 Cannabis Work Group, NCWM L&R Committee and the NEWMA L&R Committee recommends removing this  
10 block and making them individual items to ensure each item is fully considered.

11 Tina Butcher, NIST OWM – (submitted comments):

12 “As a non-regulatory metrology institute, NIST, defers to federal agencies with regulatory authority under the  
13 Controlled Substances Act (CSA) for the scheduling of drugs or other substances. NIST does not have a policy role  
14 related to the production, sale distribution, or use of cannabis (including hemp and marijuana).”

15 “While the 2018 Farm Bill removed hemp from the list of controlled substances under Schedule 1 of the CSA,  
16 marijuana remains on that list. NIST must respect that distinction even as it exercises its statutory authority to develop  
17 and disseminate national weights and measures standards for the production, distribution and sale of products in the  
18 commercial marketplace.”

19 “NIST remains committed to providing technical assistance to the weights and measures community. OWM has  
20 provided key technical points for the community to consider in its deliberations of cannabis-related proposals, and  
21 OWM would be happy to provide any necessary clarification. OWM comments are intended to encourage technically  
22 sound application of legal metrology laws, regulations, and practices to the measurement and sale of these products.”

23 James Cassidy, Co-Chair of the NCWM Cannabis Task Group, Massachusetts – Statement for what was the entire  
24 Block 3 and in order to keep these items moving he, on behalf of the NCWM Cannabis Task Group recommend that  
25 these items be removed as a block item and become individual voting items to facilitate the items for voting when  
26 they are ready. Mr. Cassidy noted that his Co-Chair of the work group continues to work on this item dealing with  
27 moisture content and notes that moisture in the case of cannabis is the opposite of what weight and measures is familiar  
28 with (moisture loss vs. moisture content). He related an analogy as to how a humidifier operates to protect cigars, so  
29 cannabis needs to have a certain moisture content to be a viable product and needs to be tested that way.

30 Mr. Cassidy questioned NIST’s role in publishing these items as follows:

31 Tina Butcher, NIST OWM - “Question: Will NIST publish cannabis-related content in the NIST Handbooks?”

32 “Answer: Once the National Conference of Weights and Measures votes and passes specific language, it is NIST’s  
33 intent to publish the content, subject to legal review, reflecting that NIST does not have a policy role as to marijuana’s  
34 status as a Schedule 1 controlled substance.”

35 No additional comments received during the open hearing.

36 NEWMA L&R Committee recommends this item continues to be an assigned item.

37 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
38 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

NET-22.1	
<b>Regional recommendation to NCWM on item status:</b>	
<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 checked="" 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>	
<b>Comments and justification for the regional recommendation to NCWM: (This will appear in NCWM reports)</b>	
The WWMA L&R Committee did not solicit comments on this item, and recommends this item continues as assigned to the NCWM Cannabis Task Group.	

1

2      **NET-22.2**                      **Section 3. X. Volumetric Test Procedure for Viscous and Non-Viscous**  
 3                                      **Liquids by Portable Digital Density Meter.**

4      **Source:**  
 5      Mr. Ronald Hayes (retired)

6      **Purpose:**  
 7      Allow the use of digital density meters for package checking testing of viscous and non-viscous liquids.

8      **Item Under Consideration:**  
 9      Amend Handbook 133, Checking the Net Contents of Packaged Goods, as follows:

10     Notes:

11     (2) When checking liquid products using a volumetric or gravimetric procedure, the temperature of the samples must  
 12     be maintained at the reference temperature  $\square 2 \text{ }^\circ\text{C}$  ( $\square 5 \text{ }^\circ\text{F}$ ), **except when 3.X. Gravimetric Test Procedure for**  
 13     **Viscous and Non-Viscous Liquids by Portable Digital Density Meter is used.**

14     **3.X. Gravimetric Test Procedure for Viscous and Non-Viscous Liquids by Portable Digital Density Meter**

15     **This test procedure can be used to determine the net contents of most package goods labeled in fluid volume.**  
 16     **Manufacturer’s instructions must be reviewed prior to use, to determine if the meter is suitable for testing the**  
 17     **intended product.**

18     **This procedure is also useful for ensuring product quality for commodities (e.g., DEF, Antifreeze) that have a**  
 19     **density requirement in their respective specifications.**

20     **This test procedure is suitable for measuring the density of homogenous liquids including dairy products such**  
 21     **as milk and half & half; petroleum products such as fuel, motor oil, transmission fluid, paint thinner, brake**  
 22     **fluid, diesel exhaust fluid, automotive coolant; pulp-free juices, wine, distilled spirits, water, mouth wash,**  
 23     **alcohol, syrups, cooking oils, solvents, cleaning supplies, chemicals, as well as other viscous and non-viscous**  
 24     **liquids. All products tested shall be free of suspended gas, air, sediment, suspended matter.**

25     **This test procedure may be used as a substitute for testing non-viscous liquids gravimetrically using a flask**  
 26     **(refer to 3.2. Gravimetric Test Procedure for Non-Viscous Liquids), the volumetric flask test procedure (refer**

1 to 3.3. Volumetric Test Procedure for Non-Viscous Liquids) or testing viscous fluids by the volumetric  
2 headspace procedure (refer to 3.4. Volumetric Test Procedures for Viscous Fluids – Headspace).

3 NOTE: This shall not be used for liquids with suspended solids such as orange juice with pulp, buttermilk,  
4 liquids requiring “shake before use”, paint, or carbonated products (soda, beer, etc.) or substances not  
5 approved by the digital density meter manufacturer.

6 Prior to using for compliance testing, the official’s metrological laboratory should perform a comparison  
7 between the densities obtained between Sections 3.2. Gravimetric Test Procedure for Non-Viscous Liquids or  
8 3.3. Volumetric Test Procedure for Non-Viscous Liquids, and the digital density meter.

9 This test procedure can also be a time saver for screening products for proper fill and for quality control  
10 purposes.

11 3.X.1. Test Equipment

12 A scale that meets the requirements in Chapter 2, Section 2.2. “Measurement Standards and Test  
13 Equipment.”

14 Note: To verify that the scale has adequate resolution for use, it is first necessary to determine the  
15 density of the liquid. Using the density, convert the labeled volume to weight. Based on the labeled  
16 volume, determine the MAV using Table 2-6 “Maximum Allowable Variations for Packages  
17 Labeled by Liquid and Dry Volume” found in Appendix A. Using the density, convert the MAV  
18 from volume to weight. Next verify that the scale division is no larger than MAV/6 for the package  
19 size under test. The smallest graduation on the scale must not exceed the weight value for MAV/6.

20 Example:

21 Assume the inspector is using a scale with 1 g (0.002 lb) increments to test packages labeled 1 L  
22 (33.8 Fl oz) that have an MAV of 29 mL (1 Fl oz). Also, assume the inspector finds that the weight of 1 L  
23 of the liquid is 943 g (2.078 lb).

24 Density: 1 L = 943 g (2.078 lb)

25 MAV: 29 mL (1 Fl oz)

26 Convert Density into mL and Fl oz:

27  $943 \text{ g} \div 1000 \text{ mL} = 0.943 \text{ g/mL}$        $(2.078 \text{ lb} \div 33.8 \text{ Fl oz} = 0.0614 \text{ lb/Fl oz})$

28 Convert MAV from Volume (mL/Fl oz) to Weight:

29  $29 \text{ mL} \times 0.943 \text{ g/mL} = 27.347 \text{ g}$        $(1 \text{ Fl oz} \times 0.0614 \text{ lb/Fl oz} = 0.064 \text{ lb})$

30 MAV in Weight/6

31  $27.347 \text{ g} \div 6 = 4.557 \text{ g}$        $0.064 \text{ lb} \div 6 = 0.010 \text{ lb}$

32 In this example, the 1 g (0.002 lb) scale division is smaller than the MAV/6 value of 4.557 g (0.010 lb) so  
33 the scale is suitable for making a density determination.

34 Low pressure air pump– (e.g., an aquarium air pump)

35 Syringe (glass or plastic with Luer fitting 5mL or larger)



- 1 **Note: Plastic syringe should be free of any lubricating substances**
- 2 **Distilled or deionized water**
- 3 **Cleaning agents (See Table 3.X4. Cleaning Agents)**
- 4 **Waste container**
- 5 **Barometer for obtaining the prevailing barometric pressure, with an accuracy of ±3.0 mmHg**
- 6 **Thermometer for measuring air temperature with a tolerance of ±1°C (2°F)**
- 7 **Portable digital density meter meeting a minimum requirement of:**

<b><u>Measuring Range</u></b>	
<b><u>Density</u></b>	<b><u>0 – 3 g/cm<sup>3</sup></u></b>
<b><u>Temperature</u></b>	<b><u>0 – 40 °C (32 – 104 °F)<sup>a</sup></u></b>
<b><u>Viscosity</u></b>	<b><u>0 – 1000 mPa·s</u></b>
<b><u>Accuracy<sup>b</sup></u></b>	
<b><u>Density</u></b>	<b><u>0.001 g/cm<sup>3</sup></u></b>
<b><u>Temperature</u></b>	<b><u>0.2 °C (0.4 °F)</u></b>
<b><u>Repeatability s.d.</u></b>	
<b><u>Density</u></b>	<b><u>0.0005 g/cm<sup>3</sup></u></b>
<b><u>Temperature</u></b>	<b><u>0.1 °C (0.1 °F)</u></b>
<b><u>Resolution</u></b>	
<b><u>Density</u></b>	<b><u>0.0001 g/cm<sup>3</sup></u></b>
<b><u>Temperature</u></b>	<b><u>0.1 °C (0.1 °F)</u></b>
<b><u>Sample Volume</u></b>	<b><u>2 mL</u></b>
<b><u>Sample Temperature</u></b>	<b><u>max. 100 °C (212 °F)</u></b>
<b><u>Footnotes</u></b>	
<b><u><sup>a</sup> Filling at higher temperatures possible.</u></b>	
<b><u><sup>b</sup> Viscosity &lt; 100 mPa·s, density &lt; g/cm<sup>3</sup></u></b>	

8 **3.X.2. Test Procedure**

- 9 **Follow Section 2.3.1. “Define the Inspection Lot.” Use a “Category A” sampling plan in the inspection. Select a random sample.**
- Bring the sample packages and their contents to a temperature between the reference temperature and ambient temperature.**
- Packages may be gently rolled to mix contents. Avoid shaking liquids. Shaking some products such as flavored milk will entrap air that will affect density measurements.**

The digital density meter must at ambient temperature. Avoid causing condensation within the unit. Condensation could cause instrument malfunction and harm.

Using distilled or deionized water, validate the digital density meter per the manufacturer's calibration instructions. The digital density meter shall calibrate within allowable density range ( $\pm 0.0005\text{g/cm}^3$ ). The digital density meter shall be validated once each day prior to usage.

Ensure the digital density meter is clean prior to testing. Any residual liquid should be drained, and the unit should be flushed with a small amount of the sample to be tested. Flush and discard the sample two times before taking a measurement.

Follow the manufacturer's instructions to select the correct method, when using a meter with built in correction factors, and measure the density of the sample using the built-in pump or syringe. Fill the sample slowly and gently. If gas or air bubbles are present drain sample and refill.

Note: Use of a syringe may be desirable to allow sample specimen to achieve ambient temperature prior to introduction of specimen into testing cell and for viscous specimens.

Once the digital density meter has stabilized (maintained reading  $\pm 0.2\text{ }^\circ\text{C}$  ( $\pm 0.5\text{ }^\circ\text{F}$ ) for 10 seconds) record density and temperature as indicated on instrument.

Apply density coefficient of expansion (Alpha) also known as the density correction factor (DCF), to correct to the reference temperature. See Table X.1. Reference Temperatures of Liquids. If the Alpha correction is not known, then factor can be calculated using the below formula.

Note: Some digital density meters may be programmed to automatically apply this correction.

Calculating the Temperature Coefficient Alpha

$$\text{Temperature coefficient Alpha} = \left| \frac{\rho_1 - \rho_2}{T_1 - T_2} \right|$$

$\rho_1$  .... density at temperature  $T_1$

$\rho_2$  .... density at temperature  $T_2$

$T_1$  .... temperature at initial measurement

$T_2$  .... temperature at second measurement

Note: If the density correction factor is not known but the volume correction factor (VCF) is known, the DCF can be calculated from the VCF using the following formula.

Density Temperature Factor Alpha = Absolute Value of Beta  $\times$  Density.

Apply viscosity correction if viscosity  $> 85$  centipoise at  $21\text{ }^\circ\text{C}$  ( $70\text{ }^\circ\text{F}$ ) by adding-subtracting the value in Table X. Density Measurement to your density measurement. After this correction, this value is the density of the substance in in the vacuum at the prescribed reference temperature.

Note: Some digital density meters may be pre-programmed to automatically apply. See Table X. Viscosity Corrections of Common Materials

Apply the apparent density correction by applying one of the following steps:

- (1) multiplying the density by 0.999; or
- (2) multiplying the density by the Apparent Mass Factor from Table X.3.; or
- (3) calculate apparent density by using the following.

Converting True Density into Apparent Density

The apparent density  $Paap$  is defined as:

$$Paap = \frac{P_{true, sample} - P_{air}}{1 - \frac{P_{air}}{8.0 \text{ g/cm}^3}}$$

Where:

Paap = apparent density of the sample

Psteel = 8.0 g/cm<sup>3</sup>

Pair = true density of air

Ptrue, sample = true density of the sample

The apparent density is smaller than the true density and can be calculated from the true density considering the buoyancy of the sample in air and the weight and density of a reference weight in steel.

\* Pair = true density of air as calculated from equation in Table X.0.

After application of this factor or calculation, the new value is density of the substance in air.

Drain the instrument and repeat Steps 6–10 on a second specimen of the same package for verification of first measurement.

Compare the two readings, they must agree within 0.0003 g/cc. Calculate the average density of the two specimens from the sample. If the difference of two readings is greater than 0.0003 g/cc, discard results and repeat testing of sample. Air or undissolved gas will cause erroneous measurement errors. The user of the test procedure shall always visually inspect for undissolved gas in the measurement tube for a valid test.

Repeat testing for the second (or subsequent) package(s) of the lot.

Calculate the Average Product Density of sample 1 and sample 2. The two results must agree within 0.0005 g/cc. If the difference between the densities of the two packages exceeds 0.0005 g/cc, use the volumetric procedure in Section 3.3. “Volumetric Test Procedure for Non-Viscous Liquids.”

Determine the Average Used Dry Tare Weight of the sample according to provisions of Section 2.3.5. “Procedures for Determining Tare.”

Calculate the “nominal gross weight” using the following formula:

$$\text{Nominal Gross Weight} = (\text{Average Product Density [in weight units]} \times (\text{Labeled Volume}) + (\text{Average Used Dry Tare Weight}))$$

Weigh the remaining packages in the sample.

Subtract the nominal gross weight from the gross weight of each package to obtain package errors in terms of weight. All sample packages are compared to the nominal gross weight.

To convert the average error or package error from weight to volume, use the following formula:

$$\text{Package Error in Volume} = \text{Package Error in Weight} \div \text{Average Product Density Per Volume Unit of Measure}$$

The digital density meter must be stored clean. After final use of the day or extended period of time, the instrument shall be drained and cleaned following the manufacturer’s recommended cleaning procedures and using two cleaning agents. The first cleaning agent removes sample residue, and the second cleaning agent removes the first cleaning agent. See Table X.4. Cleaning Agents for examples of cleaning agents recommended by a digital density meter manufacturer.

NOTE: If the unit will be immediately used to measure another sample of similar composition, the unit may be drained and flushed with new sample three times before the next analysis.

22. Connect digital density meter to a low-pressure air source, such as an aquarium air pump, to dry the unit’s measurement cell.

### 3.X.3. Evaluation of Results

Follow the procedures in Chapter 2, Section 2.3.7. “Evaluate for Compliance” to determine lot conformance.

<u>Table X.0. Density Measurement</u>		
<u>Calculate the density of air at the temperature of test using the following equation:</u>		
<u><math>\rho_{\text{air, g/mL}} = 0.001293[273.15/T][P/760]</math></u>		
<u>where:</u>		
<u>T = temperature, K, and</u>		
<u>P = barometric pressure, torr.</u>		
<u>°C</u>	<u>mmH</u> <u>g</u>	<u>d<sub>air</sub>, g/mL</u>
<u>15.56</u>	<u>760</u>	<u>0.001223314</u>

1  
2

<u>Table X.1. Viscosity Corrections of Common Materials</u>		
<u>Material</u>	<u>Viscosity in Centipoise</u>	<u>Correction g/cc</u>
<u>Water</u>	<u>1 cP</u>	
<u>Milk</u>	<u>3 cP</u>	
<u>SAE 10 Motor Oil</u>	<u>85–140 cP</u>	<u>0.0003</u>
<u>SAE 20 Motor Oil</u>	<u>140–420 cP</u>	<u>0.0006</u>
<u>SAE 30 Motor Oil</u>	<u>420–650 cP</u>	<u>0.0007</u>
<u>SAE 40 Motor Oil</u>	<u>650–900 cP</u>	<u>0.0007</u>
<u>Castrol Oil</u>	<u>1,000 cP</u>	<u>0.0008</u>
<u>Karo Syrup</u>	<u>5,000 cP</u>	<u>0.0008</u>
<u>Honey</u>	<u>10,000 cP</u>	<u>0.00085</u>

1  
2

<b>Table X.2. Apparent Mass Factor</b>					
<u>Elevation, ft</u>	<u>sea level</u>	<u>1500</u>	<u>3000</u>	<u>4500</u>	<u>6000</u>
<u>Barometer, mmHg</u>	<u>760</u>	<u>720</u>	<u>680</u>	<u>640</u>	<u>600</u>
<u>density, g/cc</u>	<u>Apparent Mass Factor</u>				
<u>0.500</u>	<u>0.9977</u>	<u>0.9979</u>	<u>0.9980</u>	<u>0.9981</u>	<u>0.9982</u>
<u>0.600</u>	<u>0.9981</u>	<u>0.9982</u>	<u>0.9983</u>	<u>0.9984</u>	<u>0.9985</u>
<u>0.700</u>	<u>0.9984</u>	<u>0.9985</u>	<u>0.9986</u>	<u>0.9987</u>	<u>0.9988</u>
<u>0.800</u>	<u>0.9986</u>	<u>0.9987</u>	<u>0.9988</u>	<u>0.9989</u>	<u>0.9989</u>
<u>0.900</u>	<u>0.9988</u>	<u>0.9989</u>	<u>0.9989</u>	<u>0.9990</u>	<u>0.9991</u>
<u>1.000</u>	<u>0.9989</u>	<u>0.9990</u>	<u>0.9991</u>	<u>0.9991</u>	<u>0.9992</u>
<u>1.100</u>	<u>0.9991</u>	<u>0.9991</u>	<u>0.9992</u>	<u>0.9992</u>	<u>0.9993</u>
<u>1.200</u>	<u>0.9991</u>	<u>0.9992</u>	<u>0.9992</u>	<u>0.9993</u>	<u>0.9993</u>
<u>1.300</u>	<u>0.9992</u>	<u>0.9993</u>	<u>0.9993</u>	<u>0.9993</u>	<u>0.9994</u>
<u>1.400</u>	<u>0.9993</u>	<u>0.9993</u>	<u>0.9994</u>	<u>0.9994</u>	<u>0.9994</u>
<u>1.500</u>	<u>0.9993</u>	<u>0.9994</u>	<u>0.9994</u>	<u>0.9994</u>	<u>0.9995</u>
<u>Elevation or prevailing barometric pressure at the location of measurement.</u>					

3

<b>Table X.3. Cleaning Agents</b>		
<u>Commodity</u>	<u>Cleaning Liquid 1</u>	<u>Cleaning Liquid 2</u>
<u>Petroleum products</u>	<u>Toluene, petroleum naphtha, petroleum ether, n-nonane, cyclohexane</u>	<u>Ethanol</u>
<u>Battery acid</u>	<u>Tap water</u>	<u>Ultra-pure (bi-distilled or deionized) water</u>
<u>Liquid soap and detergent, shampoo</u>	<u>Tap water</u>	<u>Ultra-pure (bi-distilled or deionized) water</u>
<u>Salad dressing, mayonnaise</u>	<u>Petroleum naphtha, dish washing agent in water</u>	<u>Ethanol</u>
<u>Suntan lotion</u>	<u>Tap water</u>	<u>Ethanol</u>
<u>Spirits</u>	<u>Tap water</u>	<u>Ultra-pure (bi-distilled or deionized) water</u>
<u>Grape juice, syrup</u>	<u>Warm tap water</u>	<u>Ultra-pure (bi-distilled or deionized) water</u>
<u>Milk*</u>	<u>Tap water, enzymatic lab cleaner</u>	<u>Ultra-pure (bi-distilled or deionized) water</u>

4 **\*NOTE: Do not introduce ethanol or other alcohols into instrument without first flushing all milk products**  
 5 **from instruments.**

1 **Previous Action:**

2 2022: Voting – Returned to Committee

3 **Original Justification:**

4 Current test procedures are slow and awkward due to the need of using borosilicate glassware for package  
5 checking. Digital density meters are fast, use small samples size (2 ml) and have built in thermometers.  
6 Fast and accurate.

7 Using digital density meters equipped with built-in API density tables will not require the cooling samples  
8 to 60 F.

9 No need to “wet down” volumetric flasks before each measurement

10 Most non-food products may be recovered without contamination.

11 Only small sample size (2 ml) of the product is needed for testing.

12 No need for partial immersion thermometer or volumetric flasks.

13 Current method in “Section 3.4 Volumetric Test Procedures for Viscous Fluids – Headspace” does not work  
14 for plastic oblong bottles often used for motor oil.

15 Eliminates the entrapment of air in testing viscous fluids (i.e. motor oil, DEF, antifreeze, syrups, etc.)The  
16 submitter requested that this be a Voting Item in 2022.

17 A NIST intern had done an investigation on the use portable density meters and NIST published a report in 2006 based  
18 only on that intern’s study. The study is incomplete as the report references data in the appendix which does not exist.  
19 Therefore, the information is questionable and not in step with available technology

20 The submitter requested that this be a Voting Item in 2022.

21 **Comments in Favor:**

22 **Regulatory:**

- 23 • Six regulators supported the item as voting.

24 **Industry:**

- 25 • None

26 **Advisory:**

- 27 • None

28 **Comments Against:**

29 **Regulatory:**

- 30 • None

31 **Industry:**

- 32 • None

33 **Advisory:**

- 34 • None

1 **Neutral Comments:**

2 **Regulatory:**

- 3 • None

4 **Industry:**

- 5 • None

6 **Advisory:**

- 7 • Mr. Sefcik stated that OWM has engaged its Lab Metrology program to provide significant input and  
 8 feedback in determining and assessing any technical gaps. OWM has provided a revised copy of the  
 9 Item Under Consideration which is available on the NCWM website. In addition, OWM has provided  
 10 in it detailed analysis a clear indication on what we propose changing and reasoning behind it. Even  
 11 with the proposed changes, we believe the item still needs to be vetted as we consider these substantial  
 12 changes.  
 13 • Mr. Sefcik reiterated the concern that limited testing analysis has been provided by the submitter and  
 14 questions regarding the proper calibration and validation methods of the device, limitations of the  
 15 devices use, and whether adding a step for using a Viscometer to determine viscosity before determining  
 16 the density is needed.  
 17

18 **Item Development:**

19 NCWM 2022 Interim Meeting: The Committee assigned Voting status for this item at the 2022 Interim Meeting.

20 The Committee believed the latest proposal was fully developed, addressed previous concerns and was therefore ready  
 21 for a vote.

22 Additionally, the Committee believed the item provides a tool to Weights and Measures Officials that will improve  
 23 efficiency during inspections while maintaining current testing accuracy levels.

24 Note: The Committee removed Table X.1\_Density Coefficient Factor (Alpha) because it has not been validated. The  
 25 Committee spoke to the original submitter, and they agreed that the proposal can still go forward as a Voting item  
 26 without the table; it is not necessary for it to be included for field use.

27 The Committee received additional information on this item from NIST, OWM after the meeting stating the item is  
 28 being reviewed by NIST, OWM. NIST, OWM submitted proposed changes and comments to the Committee for their  
 29 consideration. These proposed changes and comments will be provided online to membership before the annual  
 30 meeting.

31 NCWM 2022 Annual Meeting: The Committee assigned Voting status to this item at the 2022 Interim Meeting  
 32 because they believed that previous concerns had been addressed and it was fully developed.

33 The submitter of the item provided new information and requested the following changes:

- 34 • Change “Volumetric” to “Gravimetric” in the title
- 35 • Amend the “minimum requirement” table to add additional requirements (2022 Publication 16, page L&R  
 36 74.
- 37 • Correct an error to the viscosity formula by removing the word “adding” and inserting the word “subtracting”  
 38 3.X.2. Test Procedure.

- 1       • Insert into “Measuring Range” table, the “Resolution” which includes Density of 0.0001 g/cm<sup>3</sup> and  
2       Temperature of 0.1 °C (0.1 °F), which was inadvertently left out in prior publications. This table is under  
3       Test Equipment 3.X.1.

4       Additionally, the Committee believed that Table X.1. Density Coefficient Factor (Alpha) was removed from the  
5       proposal during the 2022 Interim meeting by the Committee because it had not been validated. The Committee  
6       recommends that the submitter validate Table X.1. Density Coefficient Factor (Alpha) and reinsert it into the proposal  
7       and resubmit to the Committee for consideration.

8       The Committee also reviewed the NIST [OWM Analysis](#) of the item and considered comments during open hearings  
9       from NIST OWM. The use of this equipment has great potential to facilitate package testing for many viscous and  
10      non-viscous liquids, as well as other weights and measures inspection areas. Some concerns with the item under  
11      consideration is the limited testing analysis provided by the submitter comparing the digital density meter to the current  
12      NIST Handbook 133 volumetric test procedure. Data on only five items were submitted which is insufficient to  
13      statistically validate results to ensure the test procedure will be defensible for use in official inspections. Before this  
14      procedure can be determined for use as an Enforcement procedure, the proper calibration and validation methods of  
15      the device, limitations of the devices use, and whether adding a step for using a Viscometer to determine viscosity  
16      before determining the density would need to be considered.

17      It was also noted that none of the four Regions moved the item forward as a Voting Item.

18      Based on the above information, the Committee deescalated the item to Informational status with the intent of forming  
19      a task group to further develop the item.

20      During the voting session the Committee was strongly urged to return this item to Voting status by membership who  
21      were prepared to put forth a formal motion to amend the Committee report.

22      After deliberation the Committee agreed to amend the item based on the above bulleted proposed changes. Following  
23      the NCWM’s democratic process the Committee returned this item to Voting status.

24      This change was announced by the Committee Chair and as requested by membership; he provided the reasons the  
25      Committee believed that the Item was not fully developed. The reasons were:

26             The NIST, OWM analysis identified areas that needed to be addressed before the item should be used for  
27             regulatory purposes.

28             Adding Table X.1. Density Coefficient Factor (Alpha) back into the procedures was a substantive change  
29             requiring time for membership to review before voting.

30             Concern that proceeding with the test procedure without addressing the NIST, OWM concerns could  
31             negatively impact regulatory actions.

32      The item was voted upon and only received 20 yea votes in the House of Representatives.

33      Since it did not receive the required minimum 27 votes it was returned to the Committee.

34      **Regional Associations’ Comments:**

35      WWMA 2021 Annual Meeting: Mr. Ronald Hayes, (Retired, Missouri) – Provided testimony for support of this Item,  
36      it is resubmitted from a past Item with updated language.

37      Mr. Hayes indicated there are three volunteers who are testing this procedure for validation. Believes the process and  
38      technology are sound and is twice as accurate as the current method for some products.



1 If approved this method would significantly decrease inspection times. Mr. Ivan Hankins, (State of Iowa) – Asked  
 2 for clarification on how this will replace the way tests are currently conducted. Mr. Hayes responded saying this  
 3 method will reduce tests times which would be better for field personnel.

4 Mr. Hayes expanded that he has tested this in dairies, with the new method taking minutes and the old method taking  
 5 hours. Mr. Kevin Schnepf, (CDFA-DMS) – Mr. Schnepf supported the continuing development of this Item but  
 6 asked to see the aggregated data that supported the proposal.

7 He also asked how often the unit needed to be calibrated, for the different products outlined in the proposal. Mr.  
 8 Hayes responded that the data is being compiled into a report and provided information on the procedures on how to  
 9 validate the calibration.

10 Mr. Hayes clarified on how to calibrate the equipment. Ms. Lisa Warfield, (NIST OWM) – Supports the development  
 11 of this test procedure and applauds Mr. Ronald Hayes for working on this. OWM submitted an analysis and agrees  
 12 these devices may be used in audit testing.

13 Ms. Warfield made statements that highlighted items provided in the OWM analysis supporting documentation. Mr.  
 14 Ronald Hayes responded to items in the OWM analysis, particularly barometric pressure by stating that this can be  
 15 corrected for by using a correction factor listed in the agenda item.

16 Ms. Lisa Warfield stated that the word approximate must be removed from all tables. Mr. Hayes replied that he  
 17 believed that this had been accomplished but it is still documented in table X2. Mr. Hayes also replied that he is  
 18 looking for collaboration and continued support from NIST in this matter.

19 The Committee recommends that this Item be Assigned. The Committee recommends that L&R National Chair create  
 20 a Task Group headed by Mr. Hayes that can work on gathering and assessing data to advance this proposal for use as  
 21 an audit tool and eventually an enforcement tool.

22 SWMA 2021 Annual Meeting: No comments were heard during open hearings. NIST OWM provided a written  
 23 analysis documenting their support of the development of this item.

24 The Committee recommends this as a Developing item. Studies should continue until such time that sufficient  
 25 evidence can be provided showing that these devices provide density values equivalent to those measured found using  
 26 existing test methods.

27 CWMA 2022 Annual Meeting: Mr. Ron Hayes the item’s submitter asked Mr. Upschulte to read an update during  
 28 Open Hearings. Mr. Hayes believes this proposal is fully developed and has been working with NIST to address their  
 29 suggestions and concerns.

30 Lisa Warfield, NIST Technical Advisor commented that the item should be deescalated to Developing status or as an  
 31 Assigned item to a task group through NCWM to collect data to verify accuracy and consistency of measuring devices.  
 32 She stated that the use of this equipment has great potential to facilitate testing in package checking as well as other  
 33 weights and measures inspection areas but that for it to be used in regulatory action it is essential to validate the  
 34 traceability of measurements made using the equipment.

35 Lastly, Ms. Warfield stated that the title to this section is incorrect and should read *3.X. Gravimetric Test Procedure*  
 36 *for Viscous and Non-Viscous Liquids by Portable Digital Density Meter.*

37 Charlie Stutesman, Kansas commented that if the item is deescalated, the committee should recommend what still  
 38 needs developed. He believes if the submitter feels the item is ready for voting status, it should be voted up or down.  
 39 On the other hand, he would also support the formation of a task group at the national level. Ivan Hankins, Iowa  
 40 commented that he agrees with Mr. Stutesman and believes the voting status should remain on this item.

41 The Committee discussed this item at length and believes digital density meters are currently and will continue to be  
 42 useful devices in weights and measures inspections. The Committee believes this item can be strengthened by

1 increasing data for validation and thinks assigning the item to a task force could be beneficial to finish development  
2 of this item.

3 It was recommended as an Assigned Item on the NCWM agenda

4 NEWMA 2022 Annual Meeting: David Sefcik, NIST OWM – As the Committee is aware, the current item under  
5 consideration was provided to the National L&R 1 day before the interim. Significant updates and changes were done  
6 on this item. In addition, at the Interim in January, the L&R Committee made additional modifications. Recognized  
7 and commended the submitter and for working tirelessly to make changes on this item prior to the NCWM (2022)  
8 Interim Meeting. However, it is OWM’s belief that this item requires more time for the members to review and  
9 evaluate it. NIST OWM and we believe others, need additional time to adequately consider the most recent version.  
10 This is a highly technical procedure! It is too important of an item not to spend the time to properly evaluate it. OWM  
11 asked its lab metrology staff to assist with a review of the proposal to help determine and assess any technical gaps.  
12 Of greatest concern is the limited testing analysis provided by the submitter comparing the digital density meter to the  
13 current Handbook 133 volumetric test procedure. Data on only 4 items were submitted which is insufficient to  
14 statistically validate results to ensure the test procedure will be defensible for use in official inspections. He reminded  
15 the NEWMA L&R Committee they had recommended previously a task group be formed for further development and  
16 OWM echoes this recommendation.

17 Jim Willis, NY – Echoed Mr. Sefcik’s comments and recommendation. Noted that he found it confusing when reading  
18 the proposed item. The item needs more review and time to consider and recommends caution moving forward to  
19 properly vet the item.

20 John Gaccione – Westchester County, NY – A question and comment: When was this submitted? (answered by David  
21 Sefcik, NIST OWM) just before the NCWM (2022) interim meeting and the National L&R Committee recommended  
22 additional changes. Mr. Gaccione agrees with the comments of Mr. Sefcik and Mr. Willis stating additional time is  
23 needed to evaluate the item.

24 No additional comments during the open hearing.

25 NEWMA L&R Committee recommends this item be Assigned to a newly formed portable digital density meter task  
26 group.

27 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
28 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

<b>NET-22.2</b>	
<b>Regional recommendation to NCWM on item status:</b>	
<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 checked="" 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>	
<b>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></b>	
<p>Mr. David Sefcik, NIST OWM has worked extensively with the submitter. Engaged with lab metrology group to help validate performance and accuracy of meter. Does not believe that the procedure has been properly vetted. Does understand that the technology does work. The procedure needs to be worked for better ease of use and reliability. Needs to be clear and concise and contain all of the information needed. Recommends a task group be formed and this item be assigned, no jurisdictions have worked through the procedures and submitted comments or feedback.</p> <p>Mr. Floren, LA County, stated that the procedure does work, but we need to see properly vetted data to support it. To prevent this item from going round and round, assign it to a national task group to gather additional data, testimonials, and work the item.</p> <p>Mr. Ed Williams, Ventura County and Mr. Kevin Schnepf also supported this procedure but recommended it get assigned to a task group to validate and vet the procedure.</p> <p>The WWMA L&amp;R Committee recommends that this item be Assigned. The Committee recommends that the NCWM L&amp;R Chair create a Task Group to include Mr. Hayes that can work to clarify and validate the test procedure to advance this proposal. This Task Group should be formed prior to the NCWM interim meeting in January 2023.</p>	

1

2 **OTH – OTHER ITEMS**

3 **OTH-22.1           A    Uniform Regulation for E-commerce Products**

4 **Source:**

5 NCWM Packaging and Labeling Subcommittee (PALS)

6 **Purpose:**

7 Provide an update of the activities of PALS which works on direction from and reports to the L&R. This is to propose  
 8 a new regulation for Handbook 130 covering sites and products which are sold through e-commerce.

9 **Item Under Consideration:**

10 Adopt a Handbook 130, Uniform Regulation for E-commerce Products, as follows:

11

12 **A. Uniform Labeling Regulation for E-commerce Products**

1 **1. Background**

2 **The Uniform Labeling Regulation for E-commerce Products was adopted during the 1XXth Annual Meeting**  
3 **of the National Conference on Weights and Measures (NCWM) in 202X.**

4 **The National Conference has adopted a model e-commerce labeling regulation to assist those states authorized**  
5 **to adopt such a regulation under provisions of their weights and measures laws. The consumer benefit of**  
6 **having clear and consistent information on all product descriptions would allow for consistent and more**  
7 **informed comparisons between similar and different products. The manufacturer benefit would be less**  
8 **complexity in ensuring e-commerce site and product labeling provide required information.**

9 **The process of amending and revising this Regulation will be a continuing one in order to keep it current with**  
10 **practices in the e-commerce industry and make it compatible with appropriate federal and state regulations.**

11 **Nothing contained in this regulation should be construed to supersede any labeling requirement specified in**  
12 **federal law.**

13 **2. Status of Promulgation**

14 **Uniform Labeling Regulation for E-commerce Products**

15 **Preamble**

16 **The purpose of this regulation is to provide accurate and adequate identity and net quantity information for**  
17 **products sold via e-commerce to help facilitate purchaser confidence in e-commerce purchases. This regulation**  
18 **establishes requirements for e-commerce sites offering products for purchase, product labeling, and for**  
19 **receipts which detail the identity, quantity and price the consumer paid upon product delivery.**

20

21

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10 **Section 1. Application**

11 **This regulation shall apply to products and transactions which occur when purchasers are not present to**  
12 **purchase a consumer or non-consumer product in person.**

13 **This regulation specifically establishes requirements for web-based sales (including smartphone and computer**  
14 **applications) and other sites/programs which offer products for sale and permit consumers to make purchases**  
15 **without being physically present to inspect and select individual products and commodities in-person. This**  
16 **regulation also applies to any product information which shall accompany the transactions including labeling**  
17 **and receipts.**

18 **This regulation shall not apply to:**

19 (a) **inner wrappings not intended to be individually sold to the customer**

20 (b) **shipping containers or wrapping used solely for the transportation of any commodities or products**

21 (c) **shipping containers and inner wrappings for products or commodities purchased in quantity by**  
22 **manufacturers, packers, or processors in industrial proportions, or to wholesale or retail distributors**  
23 **who subsequently distribute or offer for sale products and commodities**

24 (d) **auxiliary containers or outer wrappings used to deliver packages of such commodities to retail**  
25 **customers if such containers or wrappings bear no printed matter pertaining to any particular**  
26 **commodity.**

27 **Section 2. Definitions**

28 **The following definitions apply to this regulation:**

29 **2.1 Product -- An article, commodity or substance that is manufactured, grown, harvested, mined or refined**  
30 **for sale.**

31 **2.2 Consumer Product -- A product sold or offered for sale in packaged or bulk form which is intended for**  
32 **personal use in a home or residence**

33 **2.3 Non-Consumer Product -- A product sold or offered for sale which is intended for use by a business or**  
34 **institution customer for industrial use or wholesale distribution.**

1 2.4. E-commerce – The process of offering for sale, transacting sales, and delivery of consumer product(s) or  
2 non-consumer product(s) when the purchaser is not physically present at the point of purchase. E-commerce  
3 includes on-line sales made using websites and phone applications, catalog sales and sales transacted through  
4 3<sup>rd</sup> parties when the purchaser is not physically present.

5 2.5. E-commerce Product – A consumer product or non-consumer product offered for sale through e-  
6 commerce.

7 2.6. E-commerce Site – The site, program or interface through which customers make product purchases by  
8 means of E-commerce. An e-commerce site may be a manufacturer website, a retail website, a delivery service  
9 site, phone applications offered by manufacturers, retailers, delivery services, 3<sup>rd</sup> party providers or other  
10 interface in which the customer is physically not present to inspect and select products.

11 2.7. Customer – A person or entity purchasing an e-commerce product for their own use, the use of another  
12 person, or a business.

13 2.8 Person – The term “person” means either singular or plural and shall include any individual, partnership,  
14 company, corporation, association, or society engaged in e-commerce activity.

15 2.9. Package. – Except as excluded by Section 1, the term “package,” whether standard package or random  
16 package, means any consumer product or non-consumer product which is:

17 (a) enclosed in a container or wrapped in any manner in advance of wholesale or retail sale; or

18 (b) whose weight, measure or count has been determined in advance of wholesale or retail sale.

19 2.10. E-commerce Package – Any consumer product or non-consumer product with a defined net quantity  
20 been which is sold through e-commerce and is:

21 (a) enclosed in a container or wrapped in any manner in advance of on-line sale; or

22 (b) not enclosed prior to on-line sale and wrapped or packaged for shipment or delivery after sale, or

23 (c) not enclosed prior to on-line sale and does not require wrapping or packaging for delivery after sale.

24 2.11. E-commerce Standard Package – Any package sold or offered for sale via e-commerce where lots or  
25 shipments of the package have identical net content declarations.

26 2.12. E-commerce Random Quantity Package – Any package sold or offered for sale via e-commerce where  
27 lots or shipments of the package have varying net content declarations.

28 2.13. Sale from Bulk. – The term “sale from bulk” means the sale of products are not pre-packaged and where  
29 the quantity is determined at the time of sale.

30 2.14. E-commerce Bulk Product – A product sold or offered for sale via e-commerce where the product is not  
31 packaged at time of purchase. An e-commerce bulk product may or may not be wrapped upon its sale to  
32 facilitate shipment or delivery.

33 2.15. E-commerce Non-Consumer Package – Any non-consumer product that is sold or offered for sale which  
34 has been packaged prior to sale on an e-commerce site.

35 2.16. E-Commerce Package Label. – Any written, printed, or graphic matter affixed to, applied to, attached to,  
36 blown into, formed, molded into, embossed on, or contained within a package containing any consumer or non-  
37 consumer product for purposes of branding, identifying, or providing information with respect to the product  
38 or to the contents of the package.



1 2.17. E-commerce Receipt. -- A complete record of a transaction involving the purchase of one or more e-  
 2 commerce products purchased at the same time from the same E-commerce site. E-commerce receipts may be  
 3 either electronic or paper as described in this regulation.

4 2.18. SI or SI Units – SI or SI Units means the International System of Units as established in 1960 by the  
 5 General Conference on Weights and Measures (CGPM) and interpreted or modified for the United States by  
 6 the Secretary of Commerce

7 2.19. U.S. Customary Units – Units based upon the inch, foot, gallon, and the pound commonly used in the  
 8 United States of America. US Customary units include units for weight, liquid measure, linear measure, area  
 9 measure, volume measure and dry measure. The NIST Handbook 130 Uniform Packaging and Labeling  
 10 Regulation details use of U.S. Customary units for consumer packages.

11  
 12  
 13 **Section 3. Required Declarations for E-commerce Sites Offering Products for Sale**

14 Consumer and Non-Consumer Products are being purchased through e-commerce sites whereby the customer  
 15 makes purchase decisions based upon the product information provided on the website, phone application or  
 16 other remote means. Because customers make e-commerce purchase decisions based on available information  
 17 provided on these sites or venues, customers should expect the information provided to be sufficiently complete  
 18 in order to make informed purchase decisions and accurate value comparisons. To that end, certain price and  
 19 FPLA-required label information must be provided to purchasers on the E-commerce site where a product is  
 20 offered for sale. The elements of the FPLA information required by this regulation are also present in  
 21 regulations promulgated by other Federal agencies such as EPA, FTC and the Department of Agriculture.

22 Non-Consumer Products are also purchased through use of e-commerce sites. In order for a site user to make  
 23 value comparisons and a purchase decision, certain product information must be present for a purchaser to  
 24 make informed product selections and purchases.

25 **3.1. E-commerce Site Requirements for Standard Packages. – The following shall apply to e-commerce sites**  
 26 **on which standard packages are offered for sale:**

27 (a) Declaration of Identity. – The product declaration of identity shall appear on the e-commerce site in a  
 28 conspicuous and prominent location. Wherever applicable, the product brand name shall be combined  
 29 with the declaration of identity. This information shall be provided separately from and in addition  
 30 to any picture or image of the product.

31 (b) Declaration of Net Quantity. – The declaration of net quantity shall appear on the e-commerce site in  
 32 a prominent location and in a conspicuous manner which clearly communicates the package net  
 33 quantity. This information shall be provided separately from and in addition to any picture or image  
 34 of the product. This information shall be provided in both U.S. customary and SI units unless the  
 35 product is exempt from the Fair Packaging and Labeling Act requirements and meets existing labeling  
 36 requirements for that product.

37 (c) Product Price. –The price of the product shall appear on the e-commerce site in a conspicuous and  
 38 prominent location. Added cost information (if any) for shipping, delivery, taxes, and other services  
 39 shall be provided to the customer prior to the completion of check-out and payment.

40 (d) Product Photo or Product Representation. – The e-commerce site shall provide a photo or visual  
 41 representation of the product to help consumers confirm the identity of the item they intend to  
 42 purchase. While a product photo or representation may depict certain required information, required

1 information shall appear separately from the picture/representation. Any information provided in the  
2 picture/product representation shall not conflict with information required by this regulation.

3 (e) Brand Name or Product Manufacturer. – The e-commerce site shall provide the name of the  
4 manufacturer, distributor or the brand of any product offered for sale, where applicable.

5 **3.2. E-commerce Site Requirements for Random Quantity Packages. – The following shall apply to e-**  
6 **commerce sites on which random content packages are offered for sale:**

7 (a) Declaration of Identity. – The product declaration of identity shall appear on the e-commerce site in a  
8 conspicuous and prominent location. Wherever applicable, the product brand name shall be combined  
9 with the declaration of identity. This information shall be provided separately from and in addition to  
10 any picture or image of the product.

11 (b) Unit Price. – The unit price of the product shall appear on the e-commerce site in a conspicuous and  
12 prominent location. This information shall be provided separately from and in addition to any picture  
13 or image of the product.

14 (c) Net Quantity Information. – For each product offered for sale in random quantity packages, a range  
15 of potential product net quantities and an estimated maximum possible item net weight shall be  
16 displayed to customers on the e-commerce site in a conspicuous and prominent location.

17 (d) Product Price – For each product offered for sale in random quantity packages, a range of potential  
18 product prices and an estimated maximum possible item price shall be displayed to customers on the  
19 e-commerce site in a conspicuous and prominent location. Added cost information (if any) for  
20 shipping, delivery, taxes, and other services shall be provided to the customer prior to the completion  
21 of check-out and payment.

22 (e) Product Photo or Product Representation. – The e-commerce site shall provide a photo or  
23 representative visual representation of the product to help customers confirm the identity of the item  
24 they intend to purchase. While a product photo or representation may depict certain required  
25 information, required information shall appear separately from the picture/representation. Any  
26 information provided in the picture/product representation shall not conflict with information  
27 required by this regulation.

28 (f) Brand Name or Product Manufacturer. – The e-commerce site shall provide the name of the  
29 manufacturer, distributor or the brand when it is different from the person or entity responsible for  
30 the website.

31 **3.3. Bulk Product E-commerce Site Requirements. – The following shall apply to e-commerce sites on which**  
32 **products from bulk are offered for sale:**

33 Declaration of Identity. – The bulk product declaration of identity shall appear on the e-commerce site  
34 in a conspicuous and prominent location. Brand name (if applicable) may be combined with the  
35 declaration of identity. This information shall be provided separately from and in addition to any  
36 picture or image of the bulk product.

37 Unit Price. – The unit price of the product shall appear on the e-commerce site in a conspicuous and  
38 prominent location. This information should be provided separately from and in addition to any  
39 picture or image of the bulk product.

40 Net Quantity Information. – An estimated minimum and/or maximum possible product net quantity,  
41 if applicable to any product offered for sale from bulk, shall be provided on the e-commerce site in a  
42 conspicuous and prominent location.

Product Price – For products offered for sale limited to minimum and/or maximum per-order quantities, an estimated minimum or maximum possible product price, where applicable, shall be provided to the customer on the e-commerce site in a conspicuous and prominent location. Added cost information (if any) for shipping, delivery, taxes, and other services shall be provided to the customer prior to the completion of check-out and payment.

Product Photo or Product Representation. – The e-commerce site shall provide a photo or visual representation of the bulk product to help customers confirm the identity of the item they intend to purchase. While a product photo or representation may depict certain required information, required information shall appear separately from the picture/representation. Any information provided in the picture/product representation shall not conflict with information required by this regulation.

3.4. Non-Consumer Product E-commerce Site Requirements. – The following shall apply to e-commerce sites on which non-consumer products are offered for sale:

- (a) Packaged Non-Consumer E-commerce Products. – If the non-consumer product is packaged as a standard package, the requirements of Section 3.1. E-commerce Site Requirements for Standard Packages shall apply. If the non-consumer product is packaged as a random content package, the requirements of Section 3.2. E-commerce Site Requirements for Random Quantity Packages shall apply.
- (b) E-commerce Products Purchased from Bulk. – If the non-consumer product is not packaged at the time of purchase, the requirements for Section 3.3. Bulk Product E-commerce Site Requirements shall apply.

Section 4. Required Information for E-commerce Products Upon Delivery.

4.1. Standard Package E-commerce Delivery Requirements. – The information below shall be provided within, upon or together with each standard package delivered to / received by a customer in an e-commerce transaction. Products which are labeled to be compliant with the ULPR meet the requirements for Declaration of Identity, Net Quantity and Responsibility. Products which are not labeled for retail sale as prescribed by the UPLR must provide the following:

- (a) Declaration of Identity. – The product declaration of identity shall be prominently placed on the product or package or on written materials attached to or within the package. Where multiple products are delivered concurrently, it shall be clear which information applies to each product. Although the declaration of identity may also appear on a receipt or invoice, a receipt or invoice alone is not an adequate means to provide this information.
- (b) Declaration of Net Quantity – The declaration of net quantity must be prominently placed on the product or package or on written materials attached to or within the package. Where multiple products are delivered concurrently, it must be clear which information applies to each product. Although the declaration of net quantity may also appear on a receipt or invoice, a receipt by itself is not an adequate means to provide this information.
- (c) Declaration of Responsibility. – The declaration of responsibility, including name and address, must be prominently placed on the product or package or on written materials provided attached to or within the package. Where multiple products are delivered concurrently, it must be clear which information applies to each product.
- (d) Product Price. – The total price of the product shall be provided to the customer, either on a receipt or invoice or by appearing upon, within, or with the delivered standard package.

1 **4.2. Random Quantity Package E-commerce Delivery Requirements. – The following shall apply to the**  
2 **information provided within, upon, or together with each random quantity package delivered to/received by a**  
3 **customer in an e-commerce transaction:**

4 (a) **Declaration of Identity. – The product declaration of identity shall be prominently placed on the**  
5 **product or package or on written materials attached to or within the package. Where multiple**  
6 **products are delivered concurrently, it shall be clear which information applies to each product.**  
7 **Although the declaration of identity may also appear on a receipt or invoice, a receipt or invoice alone**  
8 **is not an adequate means to provide this information.**

9 (b) **Unit Price. – The unit price of the product shall be provided to the customer, either on a receipt or**  
10 **invoice, by marking or labeling upon the package(s) or by other written documentation included with**  
11 **the delivered product, and must be in the same units of measure as displayed on the website.**

12 (c) **Net Quantity Information. – The actual net quantity of the product shall be prominently marked or**  
13 **displayed on the product or on written materials attached to or within the package and must be in the**  
14 **same units of measure as displayed on the website. Where multiple products are delivered**  
15 **concurrently, it shall be clear which information applies to each product. Although the declaration of**  
16 **net quantity may also appear on a receipt or invoice, a receipt or invoice alone is not an adequate**  
17 **means to provide this information.**

18 (d) **Product Price. – The actual charged price for the product must be prominently marked upon the**  
19 **product or be recorded and displayed on documentation within the package. Where multiple products**  
20 **are delivered concurrently, it shall be clear which information applies to each product. The product**  
21 **receipt shall provide the purchaser with cost information including the cost of the product and any**  
22 **applicable additional charges. Although the price information may also appear on a receipt or invoice,**  
23 **it must also be provided as specified above with the product package.**

24 (e) **Declaration of Responsibility. – The declaration of responsibility, including name and address, shall**  
25 **be prominently marked upon the product or package or recorded and displayed on documentation**  
26 **within the package. Where multiple products are delivered concurrently, it shall be clear which**  
27 **information applies to each product. Although the declaration of responsibility may also appear on a**  
28 **receipt or invoice, a receipt or invoice alone is not an adequate means to provide this information.**

29 **4.3. Bulk Product E-commerce Delivery Requirements – The following shall apply to the information**  
30 **provided on or with bulk products delivered to / received by a customer in an e-commerce sale:**

31 **Declaration of Identity. – The bulk product declaration of identity shall be provided to the customer**  
32 **on a transaction receipt. A Declaration of Identity may also be marked upon or on written**  
33 **documentation attached to the bulk product, but this does not preclude it from being displayed on the**  
34 **receipt.**

35 **Unit Price. – The unit price of the product shall be provided to the customer on the transaction receipt.**  
36 **The Unit Price may also be displayed upon the product or its packaging, but this does not preclude it**  
37 **from being recorded on the receipt.**

38 **Declaration of Net Quantity. – The actual net quantity of the product delivered shall be provided to**  
39 **the customer on the transaction receipt. Actual net quantity shall be documented for the transaction**  
40 **as the customer was not present when the product(s) was selected. The Declaration of Net Quantity**  
41 **may be displayed upon the product or its packaging, but this does not preclude it from being recorded**  
42 **on the receipt.**

43 **Product Price. – The total price charged for the product shall be provided to the customer on the**  
44 **transaction receipt.**

1 **4.4. Non-consumer Product E-commerce Delivery Requirements. – The following shall apply to the**  
2 **information provided on or with a non-consumer product delivered to / received by a customer in an e-**  
3 **commerce sale:**

4 **(a) Packaged Non-Consumer E-commerce Products. – If the non-consumer product is packaged as a**  
5 **standard package, the requirements in Section 4.1. Standard Package E-commerce Delivery**  
6 **Requirements shall apply. If the non-consumer product is packaged as a random quantity package,**  
7 **the requirements of Section 4.2. Random Quantity Package E-commerce Delivery Requirements**  
8 **apply.**

9 **(b) E-commerce Products Purchased from Bulk – If the non-consumer product is not packaged at the time**  
10 **of purchase, the requirements for Section 4.3. Bulk Product E-commerce Delivery Requirements shall**  
11 **apply.**

12  
13 **Section 5. Unit Pricing Requirements on E-Commerce Sites for Products Offered for Sale**

14 **5.1. Products Subject to Unit Pricing on E-commerce Sites**

15  
16 **(a) Unit Price Information is required for bulk products and random weight packages offered for sale on**  
17 **an e-commerce site.**

18 **(b) Unit Price Information is optional for standard packages offered for sale on e-commerce sites.**

19  
20 **5.3 Required Unit Price Information**

21  
22 **The Unit Price must be consistent with the required method of sale for the product.**

23  
24 **(b) Units of Measure. - The declaration of the unit price of a particular commodity in all package sizes**  
25 **offered for sale in a retail establishment shall be uniformly and consistently expressed in terms of:**

26 **(1) Price per kilogram or 100 g, or price per pound or ounce, if the net quantity of**  
27 **contents of the commodity is in terms of weight.**

28 **(2) Price per liter or 100 mL, or price per dry quart or dry pint, if the net quantity**  
29 **of contents of the commodity is in terms of dry measure or volume.**

30 **(3) Price per liter or 100 mL, or price per gallon, quart, pint, or fluid ounce, if the**  
31 **net quantity of contents of the commodity is in terms of liquid volume.**

32 **(4) Price per individual unit or multiple units if the net quantity of contents of the**  
33 **commodity is in terms of count.**

34 **(5) Price per square meter, square decimeter, or square centimeter, or price per**  
35 **square yard, square foot, or square inch, if the net quantity of contents of the**  
36 **commodity is in terms of area.**

1 **(c) Exemptions – The following exemptions from unit pricing requirements above are permitted:**

2 (1) **Small Packages.** – **Commodities shall be exempt from these provisions when**  
3 **packaged in quantities of less than 28 g (1 oz) or 29 mL (1 fl oz) or when the total**  
4 **retail price is 50 cents or less.**

5 (2) **Single Items.** – **Commodities shall be exempt from these provisions when only**  
6 **one brand in only one size is offered for sale in a particular retail establishment.**

7 (3) **Infant Formula.** – **For “infant formula,” unit price information may be based on**  
8 **the reconstituted volume. “Infant formula” means a food that is represented for**  
9 **special dietary use solely as a food for infants by reason of its simulation of human**  
10 **milk or suitability as a complete or partial substitute for human milk.**

11 (4) **Variety and Combination Packages.** – **Variety and Combination Packages as**  
12 **defined in Section 2.9 and Section 2.10 in the Uniform Packaging and Labeling**  
13 **Regulation** <sup>[Section XX NOTE]</sup> **shall be exempt from these provisions.**

14 **Section XX NOTE: See “Uniform Packaging and Labeling Regulation**

15  
16 **(d) The Unit Price must be in consistent units for similar products. When different brands or package**  
17 **sizes of the same consumer commodity are expressed in more than one unit of measures, the e-commerce**  
18 **site must unit price the items consistently. For example, some juices may be labeled by the fluid ounce,**  
19 **pint, quart and gallon. Unit pricing similar liquid products by the fluid ounce, others by the pint and still**  
20 **others by the gallon does not facilitate value comparison. E-commerce sites must determine the most**  
21 **effective units for ensuring value comparison of similar products with varying product sizes.**

22 **(e) Unit Pricing Expressions the nearest cent when a dollar or more. If the unit price is under a dollar, it**  
23 **must be listed to the tenth of a cent or the whole cent, but both methods cannot be used simultaneously. The**  
24 **e-commerce site must accurately and consistently use the same method of rounding up or down to compute**  
25 **the unit price to the whole cent.**

26  
27 **(f) The unit price information must be presented adjacent to the product price information. When**  
28 **present, unit price information is to be provided in a manner so that it is adjacent to all other product**  
29 **pricing information.**

30  
31  
32 **Section 6. Declaration of Quantity– E-commerce Products**

33 **6.1. E-commerce Site Requirements – Any e-commerce package offered for sale on an e-commerce site shall**  
34 **be displayed or represented on the e-commerce site with a separate Declaration of Quantity statement which**  
35 **details the quantity of product that the package contains in metric (SI) and US Customary units of measure**  
36 **and/or in count consistent with the requirements for packages intended for retail sale prescribed in the Uniform**  
37 **Packaging and Labeling Regulation (Reference appropriate UPLR section(s)). The Declaration of Quantity**  
38 **must be accurately displayed in relevant units to facilitate value comparison. The declaration shall not be**  
39 **misleading or deceptive.**

1 6.2. E-commerce Package Requirements – E-commerce standard, random quantity packages, and pre-  
 2 packaged non-consumer packages delivered to customers shall have an accurate Declaration of Net Quantity  
 3 on the package label. In the event one of these e-commerce packages does not have a label, the Declaration of  
 4 Net Quantity shall appear upon or in documentation within the package.

5 6.3. E-commerce Bulk or Unpackaged Product Requirements – E-commerce bulk and non-consumer  
 6 products which are not packaged prior to purchase, at the time of delivery to the customer, must be  
 7 accompanied by an accurate Declaration of Net Quantity on a printed transaction receipt. This printed receipt  
 8 shall include the product identity, unit price, net quantity, and actual charged price in a clear and non-  
 9 misleading manner for all bulk or non-packaged products. Electronic receipts may be used in place of paper  
 10 receipts if the information required for a paper receipt is printed upon or contained in each individual bulk  
 11 and/or non-packaged product. Electronic receipts may be provided in place of printed receipts if the customer  
 12 specifies an electronic receipt is preferred.

13 6.4. Measurement Systems:--The International System of Units (SI), known as the metric system and the U.S.  
 14 customary system of weights and measures are recognized as proper systems to be used in the declaration of  
 15 quantity for e-commerce products. Units of both systems may be combined in a dual declaration of quantity.  
 16 Numerical count is permitted for products when the product statement of identity and numerical count are  
 17 fully informative of the product’s contents.

18 6.5. Largest Whole Common Unit. – This regulation requires that the quantity declaration for similar types  
 19 and sizes of products be in terms of the largest whole common unit. With respect to a particular product  
 20 offered for sale, the declaration shall be in terms of the largest common whole unit of weight or measure with  
 21 any remainder expressed:

22 (a) SI Units. – in decimal fractions of such largest whole unit.

23 (b) U.S. Customary Units. –

24 (1) in common or decimal fractions of such largest whole unit; or

25 (2) where appropriate, the next smaller whole unit or units with any further remainder in terms of  
 26 common or decimal fractions of the smallest unit present in the quantity declaration.

27 6.6. Terms: Weight, Liquid Measure, Dry Measure, or Count. – The declaration of the quantity of a  
 28 particular E-commerce product shall be expressed in terms of liquid measure if the commodity is liquid, in  
 29 terms of dry measure if the commodity is dry, in terms of weight if the commodity is solid, semisolid, viscous,  
 30 or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established  
 31 general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity  
 32 of a particular commodity, such declaration of quantity may be expressed in its traditional terms if such  
 33 traditional declaration gives accurate and adequate information as to the quantity of the commodity.

34 6.7. SI Units: Mass and Measure. – A declaration of quantity for an e-commerce product or package shall be  
 35 expressed in units according to the provisions of the UPLR (add appropriate reference), the applicable Method  
 36 of Sale Regulation (add appropriate reference) or the applicable regulation(s) of another regulatory agency.  
 37 Generally, declarations are to follow the requirements detailed below:

38 in units of mass shall be in terms of the kilogram, gram, or milligram;

39 in units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at  
 40 20 °C, except in the case of petroleum products or distilled spirits, for which the declaration shall  
 41 express the volume at 15.6 °C, and except also in the case of a commodity that is normally sold and  
 42 consumed while frozen, for which the declaration shall express the volume at the frozen temperature,  
 43 and except also in the case of malt beverages or a commodity that is normally sold in the refrigerated  
 44 state, for which the declaration shall express the volume at 4 °C;

1 in units of linear measure shall be in terms of the meter, centimeter, or millimeter;

2 in units of area measure shall be in terms of the square meter, square decimeter, square centimeter or  
3 square millimeter;

4 in units of volume other than liquid measure shall be in terms of the liter and milliliter, except that the  
5 terms cubic meter, cubic decimeter, and cubic centimeter will be used only when specifically designated  
6 as a method of sale;

7 Shall be expressed in units so that the numerical declaration is greater than the number one “1” and  
8 less than number one thousand “1000”. While a common unit is required for similar products of  
9 similar size, when the product size range results in numerical declarations which are less than one or  
10 exceed 1000, then added units are permitted.

11 Examples:

12 500 g, not 0.5 kg

13 1.96 kg, not 1960 g

14 750 mL, not 0.75 L

15 750 mm or 75 cm, not 0.75 m

16 SI declarations should be shown in three digits except where the quantity is below 100 grams,  
17 milliliters, centimeters, square centimeters, or cubic centimeters where it can be shown in two digits.  
18 In either case, any final zero appearing to the right of the decimal point need not be shown; and the  
19 declaration of net quantity of contents shall not be expressed in mixed units.

20 Example:

21 1.5 kg, not 1 kg 500 g

22 Only those symbols as detailed in Section 6.5. Largest Whole Common Unit may be employed in the  
23 quantity statement on a package of commodity.

24 **6.8. U.S. Customary Units: Weight and Measure.** – A declaration of quantity for an e-commerce product or  
25 package shall be expressed in units according to the provisions of the UPLR (add appropriate reference), the  
26 applicable Method of Sale Regulation (add appropriate reference) or the applicable regulation(s) of another  
27 regulatory agency. Generally, declarations are to follow the requirements detailed below

28 (a) in units of weight shall be in terms of the avoirdupois pound or ounce;

29 (b) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid  
30 quart, liquid pint, or fluid ounce subdivisions of the gallon and shall express the volume at 68 °F, except  
31 in the case of petroleum products or distilled spirits, for which the declaration shall express the volume  
32 at 60 °F, and except also in the case of a commodity that is normally sold and consumed while frozen,  
33 for which the declaration shall express the volume at the frozen temperature, and except also in the  
34 case of a commodity that is normally sold in the refrigerated state, for which the declaration shall  
35 express the volume at 40 °F, and except also in the case of malt beverages, for which the declaration  
36 shall express the volume at 39.1 °F;

37 (c) in units of linear measure shall be in terms of the yard, foot, or inch;

38 (d) in units of area measure shall be in terms of the square yard, square foot, or square inch;

39 (e) in units of volume measure shall be in terms of the cubic yard, cubic foot, or cubic inch; and



1 (f) in units of dry measure, shall be in terms of the United States bushel of 2150.42 in<sup>3</sup>, or peck, dry quart,  
2 and dry pint subdivisions of the bushel.

3 (g) Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity  
4 statement on a package of commodity

5 **Section 7. Declaration of Identity: E-commerce Products**

6 **7.1. E-commerce Site Requirements – Any e-commerce package offered for sale on an e-commerce site shall**  
7 **be represented or displayed on the e-commerce site with a separate Declaration of Identity statement which**  
8 **details the specific product that the package contains in ordinary terms expressed in the English language. The**  
9 **declaration of identity needs to be specific enough to distinguish between similar types and varieties of products.**  
10 **A manufacturer brand name is not a statement of identity. The declaration shall not be misleading or deceptive.**

11 **7.2. The identity declaration shall be in terms of:**

12 (a) the name specified in or required by any applicable federal or state law or regulation or, in the absence  
13 of this;

14 (b) the common or usual name or, in the absence of this;

15 (c) the generic name or other appropriate description, including a statement of function (such as “cleaning  
16 powder”).

17 (d) Manufacturer catalog number or part number may be provided in addition to 7.2(a), (b) or(c) if that  
18 number helps identify and distinguish products or commodities offered for sale.

19 **7.3. E-Commerce Package Requirements – The same Declaration of Identity shall appear on the product**  
20 **label, on the product, attached to the product or within the product package in a clear and non-misleading**  
21 **fashion when delivered to the purchaser.**

22 **Section 8. Declaration of Responsible Party: E-commerce Products**

23 **8.1. E-commerce Packages. – Any e-commerce package offered for sale on an e-commerce site which is not**  
24 **owned or operated by the person responsible for the manufacture, packaging, labeling or distributing of the e-**  
25 **commerce package shall specify conspicuously either 1) on the label of the e-commerce package or 2) on**  
26 **documentation within the e-commerce package if there is no label, marking of the name and address of the**  
27 **product manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not**  
28 **incorporated, the name under which the business is conducted. The address shall include street address, city,**  
29 **state (or country if outside the United States), and ZIP Code (or the mailing code, if any, used in countries other**  
30 **than the United States); however, the street address may be omitted if it is listed in any readily accessible, well-**  
31 **known, widely published, and publicly available resource, including but not limited to a printed directory,**  
32 **electronic database, or website.**

33 **If a person manufactures, packs, or distributes a commodity at a place other than his principal place of**  
34 **business, the label may state the principal place of business in lieu of the actual place where the commodity was**  
35 **manufactured or packed or is to be distributed, unless such statement would be misleading. Where the**  
36 **commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by**  
37 **a phrase that reveals the connection such person has with such commodity, such as “Manufactured for and**  
38 **packed by \_\_\_\_\_,” “Distributed by \_\_\_\_\_,” or any other wording of similar import that expresses the**  
39 **facts.**

40 **8.2. E-commerce Bulk Products and Select Random Quantity Packages. – All responsibility for bulk e-**  
41 **commerce products and e-commerce random quantity packages bearing no Declaration of Responsible Party**  
42 **information shall be that of the person or entity responsible for the e-commerce site.**

1 **8.3. E-commerce Site Requirements. – The operator of an e-commerce site offering products for sale shall**  
2 **comply with at least one of the following requirements regarding each product offered for sale:**

- 3 (a) **The e-commerce site shall provide the name and address of the product manufacturer, packer or**  
4 **distributor.**
- 5 (b) **The e-commerce site shall provide the name and website address of the product manufacturer, packer,**  
6 **or distributor.**
- 7 (c) **The e-commerce site shall provide the product brand name or the name of the product manufacturer,**  
8 **distributor, or packer, when product manufacturer, distributor or packer address information is**  
9 **displayed on the package label at the time the product is delivered to the purchaser.**
- 10 (d) **When the e-commerce site owner or operator is the also the product manufacturer, packer or**  
11 **distributor, the e-commerce site shall clearly and conspicuously display its name, address and contact**  
12 **information on both the e-commerce site and on the transaction receipt.**

13 **Section 9. Product Photograph or Accurate Product Depiction/Representation: E-commerce Site**  
14 **Requirements**

15 **9.1. E-commerce Packages. Any e-commerce package offered for sale on an e-commerce site shall be**  
16 **represented on the site with a current photograph of the package offered for sale. As an alternative, a detailed**  
17 **and accurate photographic depiction or representation of the package may be displayed. This picture or**  
18 **graphical representation shall be sufficiently sized, detailed and clear to enable the customer to distinguish this**  
19 **package or product from similar packages including varying sizes, varieties and product functions. When a**  
20 **consumer can customize an e-commerce package, a photographic representation of the customized product can**  
21 **be provided in addition to the required pre-customized product.**

22 **9.2. E-commerce Random Weight Packages. – E-commerce random weight products offered for sale on an e-**  
23 **commerce site shall be accompanied on the site by a representative picture or photographic depiction of**  
24 **product (packaged or unpackaged) which is being offered for sale. This picture or photographic depiction shall**  
25 **be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall**  
26 **be representative of the product being offered for sale. When a consumer can customize an e-commerce**  
27 **random weight package, a photographic representation of the customized product can be provided in addition**  
28 **to the required pre-customized product.**

29 **9.3. E-commerce Bulk Products and Select Random Quantity Packages. – Bulk products offered for sale on**  
30 **an E-commerce site shall be accompanied on the site by a representative picture or photographic depiction of**  
31 **the unpackaged product which is being offered for sale. Products packaged in random quantity packages shall**  
32 **be displayed on the site with a representative depiction of a representative package, a clear and conspicuous**  
33 **statement explaining that packaged products are of random quantity, and instructions to customers regarding**  
34 **the means to specify a maximum or minimum package quantity in ordering and purchasing the product. The**  
35 **picture(s) or photographic depiction(s) shall be sufficiently sized, detailed, and clear to enable the customer to**  
36 **see the product and the pictured item shall be representative of the product being offered for sale. When a**  
37 **consumer can customize bulk or random quantity package, a photographic representation of the customized**  
38 **product can be provided in addition to the required pre-customized product.**

39 **9.4. E-commerce Non-Consumer Packages. – Non-consumer products offered for sale on an e-commerce site**  
40 **shall be accompanied on the site by a representative picture or photographic depiction of the product which is**  
41 **being offered for sale. This picture or photographic depictions shall be sufficiently sized, detailed, and clear to**  
42 **enable the customer to see the product and the pictured item shall be representative of the product being offered**  
43 **for sale. When a consumer can customize a non-consumer package, a photographic representation of the**  
44 **customized product can be provided in addition to the required pre-customized product.**

1 **9.5. Pictures on Receipts: Transaction receipts are not required to provide pictures or photographic**  
2 **depictions**

3 **Section 10. Prominence and Placement of Required Information on E-commerce Sites: Offering E-commerce**  
4 **Products for Sale**

5 **10.1. General Requirements. – All information required to appear on the e-commerce site which offers**  
6 **products for sale shall appear thereon in the English language and shall be prominent, definite, plain, and**  
7 **conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to**  
8 **color of background. Any required information that is either in hand lettering or hand script shall be entirely**  
9 **clear and equal to printing in legibility.**

10 **(a) Location. – The required e-commerce site declarations below must be present in the top 50% the screen**  
11 **in which the product is offered for sale:**

12 **(a) identity,**

13 **(b) net quantity,**

14 **(c) product price,**

15 **(d) brand or manufacturer name and**

16 **(e) package picture or photographic representation/depiction.**

17 **(b) Style of Type or Lettering – The required e-commerce site declarations shall be in such a style of type**  
18 **or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or**  
19 **graphic material on the screen.**

20 **(c). Color Contrast. – The required e-commerce site declarations shall be in a color that contrasts**  
21 **conspicuously with its background.**

22 **(d) Package Picture or Photographic Representation. – The product picture or photographic depiction**  
23 **shall be in the actual colors of the package or product. Slight variations in color shading are acceptable.**

24 **10.2. Combined Declarations of Required Information. – One or more of the required e-commerce site**  
25 **declarations can be combined if the resulting statement is clear and not misleading. This shall not apply to**  
26 **product photograph or photographic representation. Combined declarations shall be of a consistent size same**  
27 **size and font, excepting the product price which may be in a larger size and a different font.**

28 **(a) Combined Declarations of Required Information – The declarations of identity, net quantity, product**  
29 **price and/or brand or manufacturer name can be combined into a single statement on an e-commerce site**  
30 **provided the information is clear and not misleading. A combined statement may appear on a single line**  
31 **or multiple lines as illustrated below:**

32 **Examples:**

33 **1 kg (2.2 LB) Brand X Laundry Detergent \$4.99**

34 **Brand X**

35 **Laundry Detergent**

36 **1 kg (2.2 LB)**

1           **\$4.99**

2           **(b) Free Area – The area surrounding a required individual or a combined declaration on an e-commerce**  
3           **site shall be free of printed information:**

4           **(i) above and below, by a space equal to at least the height of the lettering in the declaration; and**

5           **(ii) to the left and right, by a space at least equal to twice the width of the letter “N” of the style and**  
6           **size of type**

7           **10.3. Alternate Languages. – An e-commerce site may provide product information in one or more languages**  
8           **in addition to English. When an e-commerce site does provide any required product information in an**  
9           **additional language, all the required information specified in this regulation must be provided in that additional**  
10           **language or languages.**

11           **Section 11. Prominence and Placement: Delivered E-commerce Packages, Products and Receipts**

12           **11.1. General Requirements – All information required to appear on an e-commerce package, product, or**  
13           **receipt shall appear thereon in the English language and shall be prominent, definite, plain, and conspicuous**  
14           **as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of**  
15           **background. Any required information that is either in hand lettering or hand script shall be entirely clear**  
16           **and equal to printing in legibility.**

17           **11.2. Packages Intended for Sale in Retail Locations–A package properly labeled to comply with the retail shelf**  
18           **requirements of the UPLR will also comply with the e-commerce package label requirement.**

19           **11.3. Orientation of Required Declarations. – The required declarations on packages, products, or receipts**  
20           **shall be presented in such a manner as to be generally consistent to the orientation of the label or package.**

21           **Section 12. Effective Date**

22           **This regulation shall become effective 6 months after adoption for businesses having annual revenues in equal**  
23           **to or in excess of \$50 million and 18 months for businesses with annual revenues under \$50 million.**

24           **Comments in Favor:**

25           **Regulatory:**

- 26           •

27           **Industry:**

- 28           •

29           **Advisory:**

- 30           •

31           **Comments Against:**

32           **Regulatory:**

- 33           •

34           **Industry:**

- 35           •

36           **Advisory:**

- 37           •

1 **Neutral Comments:**

2 **Regulatory:**

- 3 •

4 **Industry:**

- 5 •

6 **Advisory:**

- 7 •

8 **Item Development:**

9 NCWM 2021 Interim Meeting: The Committee gave an Assigned status to this item at the 2022 Interim Meeting and  
 10 believes that more outreach to online retailers is needed. The Committee is uncertain that the impacted industry has  
 11 had an opportunity to review and engage in the process.

12 The Committee also considered adding an effective date to the proposal to address this concern but determined it  
 13 would be better for PALS to reach out to retailers first and then consider the need for an effective date based on the  
 14 feedback received.

15 The Committee replaced the original proposal with new language provided by PALS on January 9, 2022. The new  
 16 language also includes a new section, “Section 11. Powers and Duties of the Director.” This new section is not a  
 17 priority item and must be submitted as a separate agenda item by PALS for consideration by the NCWM.

18 Additional recommendations include:

- 19 • reach out to all stakeholders including online retailers, producers, consumer groups, trade associations, and
- 20 engage them in the PALS work
- 21 • consider comments submitted in January by NIST OWM to the PALS Chairman and L&R Committee
- 22 • reach out to other federal agencies with authority to regulate online retailers
- 23 • broaden the definition of current section 2.12. E-commerce Consumer Commodity.
- 24 • conduct mock inspections of these e-commerce websites to help develop the item
- 25 • prepare a presentation which illustrates how to apply the requirements
- 26 • consider making the suggested amendments to section 5 “Unit Pricing Requirements for Products Offered
- 27 for Sale on an E-commerce Site” outlined in the OWM analysis supporting documentation
- 28 • develop an EPO, develop a best practice guide for web design, develop a presentation on how to apply the
- 29 requirements for E-commerce websites and add a section for unit pricing requirements
- 30 • consider adding an effective date to provide sufficient time for online retailers to prepare for regulation

31 NCWM 2022 Annual Meeting: The Committee heard from Chris Guay, Chairman of the PALS on the plan to address  
 32 the recommendations the Committee made at the 2022 Interim meeting to further develop the item.

33 Weights and Measures Law, Section 11. Powers and Duties was added to the original proposal, but in accordance with  
 34 NCWM policies, the Chairman of the PALS was informed it must be submitted on a NCWM Form 15 to be considered.  
 35 It will not be considered with this item but, if submitted on a NCWM Form 15 it will be considered as a separate item.

36 **Regional Associations’ Comments:**

37 WWMA 2021 Annual Meeting: Mr. Chris Guay, (PALS Subcommittee Chair) – Gave a presentation on this item.  
 38 Recommended this Item as Developing. Mr. Kurt Floren, (County of Los Angeles, CA) – Mr. Floren pointed out  
 39 several editorial changes, and suggested that this becomes a Voting Item. Mr. Kevin Schnepf, (CDFA-DMS) – Mr.  
 40 Schnepf also suggested editorial changes. Ms. Lisa Warfield, (NIST OWM) – Ms. Warfield recommends that PALS  
 41 reach out to other stakeholders. She also suggested that a broader definition of section 2.12:

1        **“any commodity offered or exposed for sale by weight, measure or count from bulk or in packaged form.”**.

2        Ms. Warfield also suggested mock inspections of these e-commerce websites to help develop the item and  
3        recommends that PALS consider developing a presentation which illustrates how to apply the requirements to a  
4        mockup of different ecommerce websites.

5        The Committee recommends that this Item be Assigned to the PALS Subcommittee. The Committee recommends  
6        that PALS develop a proposed amendment to Section 12 “Powers and Duties of the Director” in the Uniform Weights  
7        and Measures Law to authorize the Director to adopt regulations that encompass the various aspects necessary to  
8        ensure ecommerce websites and other regulated sales outlets comply with legal metrology requirements. The  
9        Committee also recommends that PALS consider making the suggested amendments to section 5 “Unit Pricing  
10       Requirements for Products Offered for Sale on an E-commerce Site” outlined in the OWM analysis supporting  
11       documentation. The Committee recommends that PALS provides stakeholder outreach to Federal agencies, major e-  
12       commerce retailers, smaller e-commerce retailers, trade associations and consumer groups. The Committee also  
13       recommends that PALS consider Ms. Warfield’s comments to develop material for e-commerce websites and conduct  
14       practical applications of the regulation, to develop a presentation which illustrates how to apply the requirements to  
15       different e-commerce websites.

16       SWMA 2021 Annual Meeting: Mr. Chris Guay (PALS Subcommittee Chair) – Gave a presentation of the work done  
17       by the group. Dr. Matthew Curran (State of Florida) commented on the need for these regulations for accountability  
18       and enforcement. NIST OWM provided written analysis that suggested this item be developing. They recommended  
19       reaching out to other stakeholders, amend the powers and duties of State Directors, develop an EPO, develop a best  
20       practice guide for web design, develop a presentation on how to apply the requirements for E-commerce websites and  
21       add a section for unit pricing requirements.

22       The Committee recommends this item be Assigned to PALS for further development using the guidance from NIST  
23       OWM written analysis

24       CWMA 2022 Annual Meeting: Chris Guay, chair of the task force, commented that the item is fully developed, and  
25       he believes the item needs to be reclassified as Informational because the item has Assigned status and no one from  
26       industry has been able to comment on it during open hearings.

27       Lisa Warfield, NIST Technical Advisor commented that there is additional information regarding this item in  
28       Publication 16.

29       Charlie Stutesman, Kansas commented that he believes the item should be escalated as a voting item so it can be  
30       discussed and vetted throughout the fall regional meetings.

31       Mr. Guay commented that he believes the item should be made Informational rather than Voting because there has  
32       not been the opportunity for companies to come forward and speak to the model regulation.

33       The Committee recommends this item be classified as an Informational item to all more input from industry,  
34       particularly during open hearings.

35       NEWMA 2022 Annual Meeting: John McGuire, Acting Chairman NEWMA L&R Committee, NJ – Noted that  
36       NCWM website has new information posted on this item under the NCWM L&R supporting documents. He has yet  
37       to review the material to determine what changes, if any, were made.

38       David Sefcik, NIST OWM – stated that NIST OWM supports the work being done by PALS. NIST OWM is working  
39       on edits and clarification for this item. NIST OWM will assist PALS in reaching out to stakeholders once they are  
40       determined by PALS. NIST OWM plans to include an announcement in the Federal Register Notice for the 2022  
41       NCWM Annual Meeting, and in addition to other agenda items will include that an Ecommerce regulation is being  
42       developed.

43       Jason Flint, NJ – Stated that Section 5, 5.2., Unit Pricing should be mandatory not voluntary.

- 1 No additional comments during the open hearing.
- 2 NEWMA L&R Committee recommends this item continues to be Assigned to PALS. NEWMA L&R requests that
- 3 PALS revisit or re-review and discuss whether Unit Pricing should be mandatory or voluntary.
- 4 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
- 5 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

<b>OTH-22.1</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input checked="" type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>The WWMA L&amp;R Committee did not solicit comments on this item, and recommends this item continues as assigned to the PALS.</p>

6

7 **OTH-07.1            D    Fuels and Lubricants Subcommittee**

8 **Source:**  
9 NCWM Fuels and Lubricants Subcommittee (FALS)

10 **Purpose:**  
11 Provide an update of the activities of this Subcommittee which works on direction from and reports to the L&R  
12 Committee. The mission of FALS is to assist the L&R Committee in the development of agenda items that affect  
13 Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law and Uniform Fuels and Automotive  
14 Lubricants Regulation. The Subcommittee consists of regulators and associate members who have subject matter  
15 expertise in fuels and lubricants. The Subcommittee will be called upon to aid in the development, provide guidance,  
16 and help establish NCWM position on items concerning fuels and lubricants.

17 **Item Under Consideration:**  
18 Mr. Bill Striejewski provided the following written report on the activities of the Fuels and Lubricants Subcommittee  
19 (FALS) which reports and provides recommendations to the Laws and Regulations Committee.

20 For more information or to provide comment, please contact the FALS Chair:

21                    Ms. Vanessa Benchea  
22                    Florida Department of Agriculture and Consumer Services/Division of Consumer Services  
23                    (813) 868-8263, [Vanessa.Benchea@fdacs.gov](mailto:Vanessa.Benchea@fdacs.gov)

24 The Fuels and Lubricants Subcommittee (FALS) met on Sunday, July 10, 2022, at the 2022 NCWM Annual Meeting  
25 in Tacoma, WA, to review items related to fuel and automotive fluid standards that appear on the L&R agenda. The

1 Subcommittee discussed Item Block 6, which has been assigned to the subcommittee, with a brief update and  
2 comments from members of the Focus Group working on the block. This is discussed in more detail below. There  
3 were also brief discussions of Item Block 4, which had been submitted by FALS, as well as MOS-22.5, an item  
4 concerning biodiesel labeling that is of interest to the Subcommittee. Finally, two issues initially discussed during the  
5 FALS meeting at the 2022 Interim Meeting were discussed.

6 **Item Block 6 Transmission Fluid Focus Group (B6: MOS-21.1. Section 2.36.2. Labeling and Identification of**  
7 **Transmission Fluid and B6: FLR-21.2. Section 3.14.1. Labeling and Identification of Transmission Fluid):** The  
8 Focus Group was originally formed because while the model regulation in NIST Handbook 130 is sufficient, there is  
9 no licensing system for transmission fluid as there is with engine oils. Chair Striejewske read an update from FG Chair  
10 Joanna Johnson (Automotive Oil Change Association), as she was not able to attend the Annual Meeting. In summary,  
11 the group has reached agreement that (1) designating transmission fluid “obsolete” is impractical for a variety of  
12 reasons, including lack of a comprehensive and consistent standards setting organization mechanism, and therefore  
13 the original amendment approach should no longer be pursued; and (2) that they should switch focus to developing  
14 other potential consumer protection language for labels. The latter, for instance, may involve exploring general  
15 references to checking one’s owner’s manual for transmission fluid recommendations. This summary was supported  
16 by FG members who were in attendance at the FALS meeting

17 **Regional Associations’ Comments:**

18 NCWM 2022 Annual Meeting:

19 No action was taken by the Committee.

20 **Regional Associations’ Comments:**

21 WWMA 2021 Annual Meeting: The Committee heard a report from the FALS Subcommittee Chair Striejewske. The  
22 Committee supports the work of FALS.

23 SWMA 2021 Annual Meeting: The Committee heard comments from Mr. Randy Jennings on behalf of Chair  
24 Striejewske. The Committee supports the work of FALS.

25 CWMA 2022 Annual Meeting: Kristy Moore, Growth Energy commented that she believes someone from the Central  
26 region should lead FALS since the current chair has resigned.

27 The item was recommended as a Developing Item on the NCWM agenda.

28 NEWMA 2022 Annual Meeting: No comments were heard during the open hearing.

29 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
30 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.



OTH-07.1	
<b>Regional recommendation to NCWM on item status:</b>	
<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>
<b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i>	
The WWMA L&R Committee would like to thank the FALS for their report.	

1

2     **OTH-11.1           D     Packaging and Labeling Subcommittee**

3     **Source:**

4     NCWM Packaging and Labeling Subcommittee (PALS)

5     **Purpose:**

6     Provide an update of the activities of this Subcommittee which reports to the L&R Committee. The mission of PALS  
7     is to assist the L&R Committee in the development of agenda item, NCWM positions and new standards related to  
8     packaging and labeling. The Subcommittee will also be called upon to provide important and much needed guidance  
9     to the regulatory and consumer packaging communities on difficult questions. PALS will report to NCWM L&R  
10    Committee. The Subcommittee is comprised of a Chair, eight voting members, and anyone interested in packaging  
11    and labeling standards.

12    **Item Under Consideration:**

13    Chairman Guay updated the Committee on the work of PALS related to Item E commerce as detailed in the item  
14    OTH-22.1.

15    Mr. Guay informed the Committee that PALS is drafting a letter on behalf of the NCWM in response to a Federal  
16    Register notice announcing Alcohol and Tobacco Tax and Trade Bureau, Regulations and Rulings Division planned  
17    changes to product net quantity labeling and fill requirements for wine and distilled spirits. (Docket Number TTB-  
18    2022-0004 Standards of Fill for Wine and Distilled Spirits). Comments are due July 25, 2022.

19    A draft copy of the letter was sent to the Committee for review and comment.

20    **Original Justification:**

21    This item is to provide a report on the activities of the Packaging and Labeling Subcommittee which reports and  
22    provides recommendations to the Laws and Regulations Committee.

23    For more information or to provide comment, please contact the PALS Chair:

24           Mr. Chris Guay  
25           CGGT  
26           513-652-6597, [guay.cb@gmail.com](mailto:guay.cb@gmail.com)

27    PALS is comprised of four voting regulatory officials (one from each region) and four voting members from industry  
28    (retailers and manufacturers) in addition to its Chair and NIST Technical Advisor. Members of NCWM can participate

1 in the PALS meetings by contacting Chair Guay. PALS work is being developed through monthly webinar meetings  
2 and at the NCWM meetings. PALS members are responsible for providing updates at their Regional Meetings. Chair  
3 Guay added PALS will be developing proposals and in addition providing guidance and recommendations on existing  
4 proposals as assigned by the NCWM L&R Committee. He stressed the importance of having key federal agencies  
5 (FDA, FTC, and USDA) participating.

6 **Item Development:**

7 NCWM 2020 Interim Meeting: PALS Chair, Mr. Chris Guay, reported that PALS is continuing to draft a proposed  
8 regulation and accompanying “Best Practice” document regarding products sold via e-commerce. The focus of this  
9 document is to help provide more clarity on the information necessary for consumers to make informed product  
10 choices on-line and for consumers to confirm receipt of the products ordered. PALS currently believes certain  
11 information is better included in a regulation while other information is better provided as guidance or Best Practice  
12 document. The Subcommittee will work on development of this proposed regulation and proposed guidance in the  
13 spring of 2020 with a target to have a draft proposal prepared by the 2020 NCWM Annual meeting. Separately, PALS  
14 believes the text of “Recommended Best Practice” for quantity expressions is complete. PALS is developing an  
15 illustrative appendix with graphics support being provided by the NCWM office. PALS is planning to have the  
16 “Recommended Best Practice” Document for quantity related expressions appearing on a principal display panel and  
17 the proper declaration of net quantity completed by the summer of 2021. The document has been completed and the  
18 work continues as an illustrative appendix.

19 PALS reviewed the framework for a proposed Handbook 130 regulation regarding products sold through e-commerce.  
20 This regulation would focus on ensuring buyers have sufficient information to make an accurate product selection and  
21 value comparison at the time of purchase, while also ensuring the buyer can confirm the product purchased is the  
22 product they receive. PALS plans to make this proposal its priority for 2021.

23 NCWM 2021 Annual Meeting: PALS reviewed a developing draft regulation pertaining to websites which offer  
24 products for sale through e-commerce, and to products which are sold and delivered because of an e-commerce  
25 purchase. PALS received comments from those in attendance at the PALS work session and they believe the next  
26 step should be to forward this proposal to regions for broader stakeholder review and comment. PALS plans to submit  
27 a proposal for this item to obtain comments at the 2021 Fall Regional Association Meetings.

28 NCWM 2022 Annual Meeting:

29 No action was taken by the Committee.

30 **Regional Associations’ Comments:**

31 WWMA 2021 Annual Meeting: The Committee heard a report from the PALS Subcommittee Chair Guay. The  
32 Committee supports the work of PALS.

33 SWMA 2021 Annual Meeting: Chris Guay (PALS) stated that they continue to work on PALS and will present their  
34 findings to the FDA for food safety as it relates to E-commerce. He also requested more involvement from stakeholders  
35 in their meetings to receive input as PALS moves forward on E-commerce regulation.

36 The Committee recognizes and supports the work of PALS.

37 CWMA 2022 Annual Meeting: Chris Guay, CGGC Consulting commented that the subcommittee will be focusing  
38 more on guidance documents rather than model language in the future.

39 The item was recommended as a Developing Item on the NCWM agenda.

40 NEWMA 2022 Annual Meeting: No additional comments were heard during the open hearing.

41 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
42 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

OTH-11.1	
<b>Regional recommendation to NCWM on item status:</b>	
<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>	
<b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i>	
The WWMA L&R Committee would like to thank the PALS for their report.	

1

2 **ITEM BLOCK 1 (B1) RENEWABLE DIESEL AND DIESEL**

3 **Source:**  
 4 CC Consulting, LLC

5 **Purpose:**  
 6 Further refine the changes related to biodiesel made at the 2022 annual meeting. This proposal also includes needed  
 7 updates related to renewable diesel.

8 **B1: MOS-23.1 Sections 2.23. Biodiesel and biodiesel Blends that Contain Greater Than or**  
 9 **Equal to 21% by Volume Biodiesel, and 2.40. Diesel Fuel.**

10  
 11 **Item under Consideration:**  
 12 Amend Handbook 130, Uniform Regulation for the Method of Sale of Commodities as follows:

13 **2.31. Biodiesel and Biodiesel Blends that contain greater than or equal to 21 % by volume biodiesel.**

14 **2.31.1. Identification of Product.** – Biodiesel shall be identified by the term “Biodiesel” with the  
 15 designation “B100.” ~~Biodiesel~~ Blends **that contain greater than 20 % by volume biodiesel** shall be  
 16 identified by the term “Biodiesel Blend.”

17 **2.31.2. Labeling of Retail Dispensers.**

18 **2.31.2.1. Labeling of Grade Required.** – Biodiesel and biodiesel blends **that contain greater than**  
 19 **20 % by volume biodiesel** shall be identified in accordance with both EPA and FTC requirements.

20 ~~**2.31.2.2. Automotive Fuel Rating.** — Biodiesel and biodiesel blends shall be labeled with its~~  
 21 ~~**automotive fuel rating in accordance with 16 CFR 306.**~~

22 **2.31.2.3. Biodiesel Blends.** – When biodiesel blends greater than 20 % by volume are offered by sale,  
 23 each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that  
 24 states “Consult Vehicle Manufacturer Fuel Recommendations.” The lettering of this legend shall not  
 25 be less than 6 mm (1/4 in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall  
 26 be in definite contrast to the background color to which it is applied.

1           **2.31.3. Documentation for Dispenser Labeling Purposes.** – The retailer shall be provided, at the time of  
2 delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping  
3 paper, or other document. This documentation is for dispenser labeling purposes only; it is the  
4 responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to  
5 blending.

6           ~~**2.31.4. Exemption.** – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are  
7 exempt from the requirements of Sections 2.31.1. Identification of Product, 2.31.2. Labeling of Retail  
8 Dispensers, and 2.31.3. Documentation for Dispenser Labeling Purposes when it is sold as diesel fuel.  
9 (Added 2008) (Amended 2022, and 20XX)~~

10           **2.40. Diesel Fuel.** – Shall meet the following requirements, based on the biodiesel concentration of the fuel:

11           (a) Diesel fuel that contains less than or equal to 5 % by volume biodiesel shall meet the latest version of  
12 ASTM D975, “Standard Specifications for Diesel Fuels” and shall be sold as diesel fuel.

13           (b) Diesel fuel that contains greater than or equal to 6 % by volume biodiesel and that contains less than or  
14 equal to 20 % by volume shall meet the latest version of ASTM D7467, “Standard Specifications for Diesel  
15 Fuel Oil, Biodiesel Blend (B6 to B20).”

16           (c) Only fuel additive registered with the U.S. EPA may be used to additize diesel fuel, and the final product  
17 shall meet the latest version of ASTM D975 and/or ASTM D7467.

18           **2.40.1. Premium Diesel Fuel.** – All diesel fuels identified on retail dispensers as premium, super, supreme,  
19 or premier must conform to the following minimum requirements.

20           (a) **Cetane Number.** – A minimum cetane number of 47.0 as determined by the latest version of  
21 ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil.”

22           **NOTE:** ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil” is the referee  
23 method; however, the following methods can be used to determine cetane number: the latest version of  
24 ASTM D6890, “Standard Test Method for Determination of Ignition Delay and Derived Cetane  
25 Number” (DCN) of Diesel Fuel Oils by Combustion in a Constant Volume Chamber”; and ASTM  
26 D7668, “Standard Test Method for Determination of Derived Cetane Number (DCN) of Diesel Fuel  
27 Oils–Ignition Delay and Combustion Delay Using a Constant Volume Combustion Chamber Method.”

28           (b) **Low Temperature Operability.** – A cold flow performance measurement which meets the latest  
29 version of ASTM D975, “Standard Specification for Diesel Fuel,” tenth percentile minimum ambient  
30 air temperature charts and maps by the latest version of either ASTM D2500, “Standard Test Method  
31 for Cloud Point of Petroleum Products and Liquid Fuels” or ASTM Standard D4539, “Standard Test  
32 Method for Filterability of Diesel Fuels by Low-Temperature Flow Test (LTFT).” The latest version of  
33 ASTM D6371, “Standard Test Method for Cold Filter Plugging Point of Diesel and Heating Fuels”  
34 may be used when the test results are a maximum of 6 °C below the Cloud Point. Low temperature  
35 operability is only applicable October 1 to March 31 of each year.

36           (c) **Lubricity.** – A maximum wear scar diameter of 460 micrometers as determined by the latest version  
37 ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency  
38 Reciprocating Rig (HFRR).”

39           **NOTE:** The latest version of ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel  
40 Fuels by the High-Frequency Reciprocating Rig (HFRR)” is the referee method; however, the latest  
41 version of ASTM D7688, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the  
42 High-Frequency Reciprocating Rig (HFRR) by Visual Observation” can be used.

1 (d) **Corrosion.** – A minimum rating of B+ as determined by the most recent version of NACE  
 2 TM0172, “Determining Corrosive Properties of Cargoes in Petroleum Product Pipelines.”

3 **NOTE:** The latest recent version of NACE TM0172 “Determining Corrosive Properties of Cargoes in  
 4 Petroleum Product Pipelines” is the referee method. The latest version of ASTM D7548 “Standard  
 5 Test Method for Determination of Accelerated Iron Corrosion in Petroleum Products” can be used.

6 (e) **Filter Blocking Tendency (FBT)** – A maximum of 2.2 by the latest version of ASTM D2068,  
 7 “Standard Test Method for Determining Filter Blocking Tendency”, following procedure B.

8 (f) **Injector Deposit Control.** – Maximum power loss in keep-clean mode of 2 % by the latest version  
 9 of Coordinating European Council, CEC F-98-08, “Direct Injection, Common Rail Diesel Engine  
 10 Nozzle Coking Test.”

11 **2.40.2. Use of Other Diesel Terminology.** – For any terms other than premium, super, supreme, or premier  
 12 included in the diesel fuel product or grade name and/or advertisements and claims displayed on  
 13 dispensers, pump toppers, pole signs and bollard signs which imply improved performance, the product  
 14 must have a clearly-defined fuel property with a substantiated functional benefit. Such property must be  
 15 measurable utilizing industry accepted test methodologies developed by recognized standards organizations  
 16 such as ASTM, SAE, and CEC to allow verification of the improved performance.

17 **2.40.3 Labeling requirements – Diesel fuel containing more than 5 % by volume of biodiesel or more**  
 18 **than 5 % by volume of renewable diesel shall be identified in accordance with both EPA and FTC**  
 19 **requirements.**

20 (Added 2021) **(amended 20XX)**

21 **B1: FLR-23.1 Sections 1.9. Biodiesel Blend., 1.27. Fuel Oil., 1.XX. Renewable Diesel., 3.3.2.**  
 22 **Automotive Fuel Rating., 3.15. Biodiesel and Biodiesel Blends Containing**  
 23 **Greater than 20% by Volume Biodiesel.,**

24 **Item Under Consideration:**

25 Amend the Uniform Fuels and Automotive Lubricants Regulation as follows:

26 **1.8. Biodiesel.** – A fuel comprised of at least 99 % by volume mono-alkyl esters of long chain fatty acids  
 27 derived from vegetable oils or animal fats, designated B100 or B99.  
 28 (Amended 2018)

29 **1.9. Biodiesel Blend.** – A fuel comprised of a blend of biodiesel with hydrocarbon diesel fuel **and containing**  
 30 **greater than 20 % by volume biodiesel.**

31 (Amended 2018, **and 20XX**)

32 **1.15. Diesel Fuel.** – A refined hydrocarbon suitable for use as a fuel in a compression-ignition (diesel) internal  
 33 combustion engine that may contain a combination of biodiesel, renewable diesel, and fuel additives.

34 (Amended 2018)

35 **1.27. Fuel Oil.** – Refined oil middle distillates, heavy distillates, or residues of refining, or blends of these,  
 36 suitable for use as a fuel for heating or power generation. **The fuel may be refined from petroleum or**  
 37 **biomass and may contain biodiesel and fuel additives.**

38 **1.56. Wholesale Purchaser Consumer.** – Any person who is an ultimate consumer of gasoline, fuel methanol,  
 39 ethanol flex fuel, diesel fuel, biodiesel, biodiesel blends, fuel oil, kerosene, aviation turbine fuels, natural gas,  
 40 compressed natural gas, or liquefied petroleum gas and who purchases or obtains the product from a supplier  
 41 and receives delivery of that product into a storage tank.

1 (Added 1998) (Amended 1999 and 2014)

2 **1.XX Renewable Diesel. – A refined middle distillate hydrocarbon produced from biomass and suitable**  
3 **for use as a fuel in a compression-ignition (diesel) internal combustion engine.**

4 **Section 2. Standard Specifications**

5 **2.2. Diesel Fuel.** – Shall meet the following requirements, based on the biodiesel concentration of the fuel:

6 (a) Diesel fuel that contains less than or equal to 5 % by volume biodiesel shall meet the latest version of  
7 ASTM D975, “Standard Specifications for Diesel Fuels” and shall be sold as diesel fuel.

8 (b) Diesel fuel that contains greater than or equal to 6 % by volume biodiesel and that contains less than or  
9 equal to 20 % by volume shall meet the latest version of ASTM D7467, “Standard Specifications for Diesel  
10 Fuel Oil, Biodiesel Blend (B6 to B20).”

11 (c) Only fuel additive registered with the U.S. EPA may be used to additize diesel fuel, and the final  
12 product shall meet the latest version of ASTM D975 and/or ASTM D7467.  
13 (Amended 2003 and 2018)

14 **2.2.1. Premium Diesel Fuel.** – All diesel fuels identified on retail dispensers as premium, super, supreme,  
15 or premier must conform to the following minimum requirements:

16 (a) **Cetane Number.** – A minimum cetane number of 47.0 as determined by the latest version of  
17 ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil.”

18 **NOTE:** ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil” is the referee  
19 method; however, the following methods can be used to determine cetane number: the latest version of  
20 ASTM D6890, “Standard Test Method for Determination of Ignition Delay and Derived Cetane  
21 Number” (DCN) of Diesel Fuel Oils by Combustion in a Constant Volume Chamber”; and ASTM  
22 D7668, “Standard Test Method for Determination of Derived Cetane Number (DCN) of Diesel Fuel  
23 Oils—Ignition Delay and Combustion Delay Using a Constant Volume Combustion Chamber  
24 Method.”

25 (Note added 2019)

26 (b) **Low Temperature Operability.** – A cold flow performance measurement which meets the latest  
27 version of ASTM D975, “Standard Specification for Diesel Fuel,” tenth percentile minimum ambient  
28 air temperature charts and maps by the latest version of either ASTM D2500, “Standard Test Method  
29 for Cloud Point of Petroleum Products and Liquid Fuels” or ASTM D4539, “Standard Test Method for  
30 Filterability of Diesel Fuels by Low Temperature Flow Test, (LTFT).” The latest version of ASTM  
31 D6371, “Standard Test Method for Cold Filter Plugging Point of Diesel and Heating Fuels” may be  
32 used when the test results are a maximum of 6 °C below the Cloud Point. Low temperature operability  
33 is only applicable October 1 to March 31 of each year.

34 (c) **Lubricity.** – A maximum wear scar diameter of 460 micrometers as determined by the latest version  
35 ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency  
36 Reciprocating Rig (HFRR).”

37 **NOTE:** The latest version of ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel  
38 Fuels by the High-Frequency Reciprocating Rig (HFRR)” is the referee method; however, the latest  
39 version of ASTM D7688, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the  
40 High-Frequency Reciprocating Rig (HFRR) by Visual Observation” can be used.

1 (Note added 2019)

2 (d) **Corrosion.** – A minimum rating of B+ as determined by the latest version of NACE TM0172,  
3 “Determining Corrosive Properties of Cargoes in Petroleum Product Pipelines.”

4 **NOTE:** The latest version of NACE TM0172 “Determining Corrosive Properties of Cargoes in  
5 Petroleum Product Pipelines” is the referee method. The latest version of ASTM D7548 “Standard  
6 Test Method for Determination of Accelerated Iron Corrosion in Petroleum Products” can be used.  
7 (Added 2019)

8 (e) **Filter Blocking Tendency (FBT).** – A maximum of 2.2 by the latest version of ASTM D2068,  
9 “Standard Test Method for Determining Filter Blocking Tendency”, following procedure B.  
10 (Added 2019)

11 (f) **Injector Deposit Control.** – Maximum power loss in keep-clean mode of 2 % by the latest version  
12 of Coordinating European Council, CEC F-98-08, “Direct Injection, Common Rail Diesel Engine  
13 Nozzle Coking Test.”  
14 (Added 2019)

15 **2.2.2. Use of Other Diesel Terminology.** – For any terms other than premium, super, supreme, or premier  
16 included in the diesel fuel product or grade name and/or advertisements and claims displayed on  
17 dispensers, pump toppers, pole signs and bollard signs which imply improved performance, the product  
18 must have a clearly-defined fuel property with a substantiated functional benefit. Such property must be  
19 measurable utilizing industry accepted test methodologies developed by recognized standards organizations  
20 such as ASTM, SAE, and CEC to allow verification of the improved performance.  
21 (Added 2019)

22 (Amended 2003 and 2019)

23 **2.5. Fuel Oils.** – Shall meet the latest version of ASTM D396, “Standard Specification for Fuel Oils.”

24 **2.6. Kerosene (Kerosine).** – Shall meet the latest version of ASTM D3699, “Standard Specification for  
25 Kerosine.”

26 **2.17. Biodiesel Blendstock.** – Biodiesel intended for blending with diesel fuel shall meet the latest version of  
27 ASTM D6751, “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels.”  
28 Any blend stock less than 99 % by volume biodiesel (no more than 1 % by volume diesel fuel). Any blend stock  
29 less than 99 % by volume shall not be used as a commercial blend stock for biodiesel blends without the  
30 permission of the Director.  
31 (Added 2004) (Amended 2018)

### 32 **Section 3. Classification and Labeling for Sale.**

#### 33 **3.1. General Considerations.**

34 **3.1.1. Documentation.** – When products regulated by this rule are sold, an invoice, bill of lading, shipping  
35 paper, or other documentation must accompany each delivery other than a retail sale. This document must  
36 identify the quantity, the name of the product, the particular grade of the product, the applicable automotive  
37 fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer,  
38 and the date and time of the sale. Documentation must be retained at the retail establishment for a period  
39 not less than one year.  
40 (Amended 2008)

1           **3.1.2. Retail Dispenser Labeling.** – All retail dispensing devices must identify conspicuously the type of  
2           product (exception: gasoline and gasoline-oxygenate blends), the particular grade of the product (exception:  
3           No. 2 Diesel), and the applicable automotive fuel rating.  
4           (Amended 2018)

5           **3.1.3. Grade Name.** – The sale of any product under any grade name that indicates to the purchaser that it is  
6           of a certain automotive fuel rating or ASTM grade shall not be permitted unless the automotive fuel rating  
7           or grade indicated in the grade name is consistent with the value and meets the requirements of Section 2,  
8           Standard Specifications.

9           **3.1.4. Nozzle Requirements for Automotive Gasoline, Gasoline-Oxygenate Blends, and Diesel Fuel**  
10           **Dispensers.** – Each retail dispensing device from which fuel products are sold shall be equipped with a  
11           nozzle spout having a diameter that conforms with the latest version of SAE J285, “Dispenser Nozzle  
12           Spouts for Liquid Fuel Intended for Use with Spark-Ignition and Compression Ignition Engines.”  
13           (Amended 2018)

### 14           **3.3. Diesel Fuel.**

15           **3.3.1. Labeling of Grade Required.** – Diesel Fuel other than No 2-D shall be identified by grade.  
16           (Amended 2018)

17           **3.3.2. Automotive Fuel Rating.** – Diesel fuel containing 6 % to 20 % by volume biodiesel **and/or**  
18           **containing 6% or greater renewable diesel** shall be labeled with its automotive fuel rating in accordance  
19           with the FTC “Automotive Fuel Ratings, Certification and Posting Rule,” 16 CFR 306.  
20           (Amended 2018)

21           **3.3.3. Delivery Documentation for Premium Diesel.** – Before or at the time of delivery of premium diesel  
22           fuel, the retailer or the wholesale purchaser-consumer shall be provided on an invoice, bill of lading,  
23           shipping paper, or other documentation a declaration of all performance properties that qualifies the fuel as  
24           premium diesel fuel as required in Section 2.2.1. Premium Diesel Fuel.  
25           (Amended 1998) (Amended 1999)

26           (Amended 1998, 1999, 2008, 2012, and 2018)

### 27           **3.6. Fuel Oils.**

28           **3.6.1. Labeling of Grade Required.** – Fuel Oil shall be identified by the grades contained in the latest  
29           version of ASTM D396, “Standard Specification for Fuel Oils.”  
30           (Amended 2018)

31           **3.6.2. Retail Fuel Oil.** – Dispensers shall display the following legend:

32           “Warning – Not Suitable for Use in Unvented Heaters Requiring No. 1-K Kerosene.”

33           The lettering of this legend shall not be less than 12.7 mm (1/2 in) in height by 1.5 mm (1/16 in) strokes  
34           (width of type), block style letters, and the color of lettering shall be in definite contrast to the background  
35           color to which it is applied.

36           (Amended 2018)  
37           (Amended 2008 and 2018)

38           **3.15. Biodiesel and Biodiesel Blends containing greater than 20 % by volume biodiesel.**



1       **3.15.1. Identification of Product.** – Biodiesel Blendstock shall be identified by the term “biodiesel” with  
 2       the designation “B100” or “B99.”  
 3       (Amended 2018)

4       **3.15.2. Labeling of Retail Dispensers.**

5               **3.15.2.1. Labeling of Grade Required.** – Biodiesel shall be identified by the grades No. 1-B S15, ~~or~~  
 6               No. 1-B S500, No. 2-B S15, or No. 2-B S500.  
 7               (Amended 2018)

8               **3.15.2.2. Automotive Fuel Rating.** – Fuels meeting the above requirements and/or including  
 9               greater than 5 % renewable diesel Biodiesel and biodiesel blends diesel shall be labeled with its  
 10              automotive fuel rating in accordance with the FTC Automotive Fuel Ratings, Certification and Posting  
 11              Rule, 16 CFR 306.  
 12              (Amended 2018)

13              **3.15.2.3. Biodiesel Blends.** – When biodiesel blends greater than 20 % by volume are offered by sale,  
 14              each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that  
 15              states “Consult Vehicle Manufacturer Fuel Recommendations.” The lettering of this legend shall not  
 16              be less than 6 mm (1/4 in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall  
 17              be in definite contrast to the background color to which it is applied.

18              **3.15.3. Documentation for Dispenser Labeling Purposes.** – The retailer shall be provided, at the time of  
 19              delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping paper,  
 20              or other document. This documentation is for dispenser labeling purposes only; it is the responsibility of any  
 21              potential blender to determine the amount of biodiesel in the diesel fuel prior to blending.

22              ~~**3.15.4. Exemption.** – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are~~  
 23              ~~**exempted from the requirements of Sections 3.15.1. Identification of Product, 3.15.2. Labeling of**~~  
 24              ~~**Retail Dispensers, and 3.15.3. Documentation for Dispenser Labeling Purposes when it is sold as**~~  
 25              ~~**“diesel fuel” as required in Section 3.3. Diesel Fuel.**~~  
 26              (Added 2005) (Amended 2008 and 2018, and 20XX)

27       **Section 4. Retail Storage Tanks and Dispenser Filters**

28              **4.1. Water in Gasoline-Alcohol Blends, Biodiesel Blends, Ethanol Flex Fuel, Aviation Gasoline, and**  
 29              **Aviation Turbine Fuel.** – No water phase greater than 6 mm (1/4 in) as determined by an appropriate detection  
 30              paste or other acceptable means, is allowed to accumulate in any tank utilized in the storage of gasoline-alcohol  
 31              blend, biodiesel, biodiesel blends, ethanol flex fuel, aviation gasoline, and aviation turbine fuel.  
 32              (Amended 2008, 2012, and 2014)

33              **4.2. Water in Gasoline, Diesel, Gasoline-Ether, and Other Fuels.** – Water shall not exceed 25 mm (1 in) in  
 34              depth when measured with water indicating paste or other acceptable means in any tank utilized in the storage  
 35              of diesel, gasoline, gasoline-ether blends, and kerosene sold at retail except as required in Section 4.1. Water in  
 36              Gasoline-Alcohol Blends, Biodiesel Blends, Ethanol Flex Fuel, Aviation Gasoline, and Aviation Turbine Fuel.  
 37              (Amended 2008, 2012, and 2014)

38       **4.3. Dispenser Filters.**

39              **4.3.1. Engine Fuel Dispensers.**

40                      (a) All gasoline, gasoline-alcohol blends, gasoline-ether blends, ethanol flex fuel, and M85 methanol  
 41                      dispensers shall have a 10 micron or smaller nominal pore-sized filter.

1 (b) All biodiesel, biodiesel blends, diesel, and kerosene dispensers shall have a 30 micron or smaller  
2 nominal pore-sized filter.  
3 (Amended 2014)

4 **Previous Action:**

5 New item in 2023

6 **Original Justification:**

7 The proposed changes provide additional clarity to changes made related to biodiesel approved at the 2022 annual  
8 meeting. The proposal also includes important information related to renewable diesel. The submitter recognizes that  
9 some may think no changes are needed.

10 **Comments in Favor:**

11 **Regulatory:**

12 •

13 **Industry:**

14 •

15 **Advisory:**

16 •

17 **Comments Against:**

18 **Regulatory:**

19 •

20 **Industry:**

21 •

22 **Advisory:**

23 •

24 **Neutral Comments:**

25 **Regulatory:**

26 •

27 **Industry:**

28 •

29 **Advisory:**

30 •

31 **Item Development:**

32 New

33 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
34 [www.newm.com/publication-15](http://www.newm.com/publication-15) to review these documents.

<b>ITEM BLOCK 1</b>	
<b>Regional recommendation to NCWM on item status:</b>	
<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>	
<b>Comments and justification for the regional recommendation to NCWM: (This will appear in NCWM reports)</b>	
<p>Rebecca Richardson, Clean Fuels Alliance America, supports continued development of this item.</p> <p>Mr. Kevin Schnepf of CDFA DMS proposed several changes:                  2.31.1. There are no current ASTM fuel quality standards for biodiesel, diesel blends greater than 20%. This section would imply that there is.                  Deletion of 2.31.2.2 I do not see a need for this deletion                  Deletion of 2.31.4. Exemption. I do not see a need for this deletion. This section clarifies that biodiesel, diesel blends less than 5 % as considered diesel fuel.                  Addition of 2.40.3 Labeling requirements: The FTC is covered in 2.31.2.2. If that section is deleted, then this requirement would be necessary                  B1: FLR-23.1                  1.9. Biodiesel Blend. There are no current ASTM fuel quality standards for biodiesel, diesel blends greater than 20%. This section would imply that there is.                  1.27 Fuel Oil. This is consistent with ASTM D396                  1.XX Renewable Diesel. This is a weak definition that needs to be worked on.                  3.3.2. Automotive Fuel Rating. – This is consistent with 16CFR306                  3.15. Biodiesel and Biodiesel Blends containing greater than 20% by volume biodiesel. This is attempting to establish biodiesel blends greater than 20% by volume                  3.15.2.1. Labeling of Grade Required. This Fixes a miss B-2 S15 grade label                  3.15.2.2. Automotive Fuel Rating. This is the FTC requirement                  3.15.2.3. Biodiesel Blends. This section was not modified but I recommend that it be removed as there is no fuel quality standard for greater than 20% biodiesel, diesel blends.                  3.15.4. Exemption. – This is consistent with 16CFR306</p> <p>Based on testimony heard regarding this item not being fully developed, the WWMA L&amp;R Committee recommends this item be assigned Developing status.</p>	

1

2 **ITEM BLOCK 2 (B2)            GASOLINE**

3 **Source:**  
 4 CC Consulting, LLC

5 **Purpose:**  
 6 Properly align the text with the EPA regulation citations approved at the 2022 annual meeting. These changes are  
 7 important to retailers as all of these fuels are now subject to the EPA survey program.

1 **B2: MOS-23.2 Section 2.20. Gasoline and Gasoline-Oxygenate Blends.**

2 **Item Under Consideration:**

3 Amend Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows:

4 **2.20. Gasoline and Gasoline-Oxygenate Blends.**

5 **2.20.1. Method of Retail Sale.** – Type of Oxygenate must be Disclosed. – All automotive gasoline or  
6 automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least  
7 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant  
8 oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE.” The  
9 oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant  
10 oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate  
11 followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.”  
12 In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol  
13 shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 %  
14 of the dispenser front panel in a position clear and conspicuous from the driver’s position in a type at least  
15 12.7 mm (1/2 in) in height, 1.5 mm (1/16 in) stroke (width of type).  
16 (Amended 1996)

17 **2.20.2. Product Transfer Document (PTD) Requirements. Documentation for Dispenser Labeling**  
18 **Purposes.** – The retailer shall be provided, at the time of delivery of the fuel, on product transfer  
19 documents such as an invoice, bill of lading, shipping paper, or other documentation:

20 (a) Information that complies with 40 CFR 1090.1110 PTD requirements for gasoline, gasoline  
21 additives, and gasoline regulated blendstocks ~~when the fuel contains ethanol.~~

22 (b) For fuels containing multiple oxygenates or oxygenates other than ethanol that do not contain  
23 ethanol, information that complies with 2.20.2(a) 40 CFR 1090.1110 and a declaration of the  
24 predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an  
25 oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the  
26 fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing  
27 the largest mass percent oxygen) or alternatively, use the phrase “contains MTBE or other ethers.”

28 (c) Gasoline For fuels containing more than 0.15 mass percent oxygen from methanol information  
29 that complies with 2.20.2(a) and a declaration identifying the fuel shall be identified as “with” or  
30 “containing” methanol.

31 (Added 1984) (Amended 1985, 1986, 1991, 1996, 2014 and 2022, and 20XX)

32 **2.20.3. EPA Labeling Requirements.** – Retailers and wholesale purchaser-consumers of gasoline shall  
33 comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent  
34 (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR 1090.1510 E15 labeling provisions. (For  
35 additional information, refer to Section 2.30.2. FTC Labeling Requirements.)  
36 (Added 2018) (Amended 2022, 2022, and 20XX)

37 **B2: FLR-23.2 Sections 2.1. Gasoline-Oxygenate Blends, 3.2. and Automotive Gasoline and**  
38 **Automotive Gasoline-Oxygenate Blends (Including Racing Gasoline).**

39 **Item under Consideration:**

40 Amend Handbook 130 Uniform Fuels and Automotive Lubricants Regulation as follows:

41 **2.1. Gasoline and Gasoline-Oxygenate Blends.**

1 **2.1.2. Gasoline-Ethanol Blends.** – When gasoline is blended with denatured fuel ethanol, the denatured  
 2 fuel ethanol shall meet the latest version of ASTM D4806, “Standard Specification for Denatured Fuel  
 3 Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel,” and the blend  
 4 shall meet the latest version of ASTM D4814, “Standard Specification for Automotive Spark-Ignition  
 5 Engine Fuel,” with the following permissible exceptions:

6 (a) The maximum vapor pressure shall not exceed the latest version of ASTM D4814, “Standard  
 7 Specification for Automotive Spark-Ignition Engine Fuel,” limits by more than 1.0 psi for blends  
 8 from June 1 through September 15 as allowed by EPA per 40 CFR 1090.215(b) Gasoline RVP  
 9 standards.

10 (Amended 2016, 2018, 2019, 2022, and 20XX)

11 **3.2. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends (Including Racing Gasoline).**

12 **3.2.5. Product Transfer Document (PTD) Requirements. Documentation for Dispenser Labeling**  
 13 **Purposes.**— For automotive gasoline, automotive gasoline-oxygenate blends or racing gasoline, the retailer  
 14 shall be provided, at the time of delivery of the fuel, on product transfer documents such as an invoice, bill  
 15 of lading, shipping paper, or other documentation:

16 (a) Information that complies with 40 CFR 1090.1110 PTD requirements for gasoline, gasoline  
 17 additives, and gasoline regulated blendstocks when the fuel contains ethanol.  
 18 (Added 2014) (Amended 2022, and 20XX)

19 (b) For fuels containing multiple oxygenates or oxygenates other than ethanol that do not contain  
 20 ethanol, information that complies with 2.20.2(a) 40 CFR 1090.1110 and a declaration of the  
 21 predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an  
 22 oxygenate content of at least 1.0 % by volume in the fuel. Where mixtures of only ethers are present,  
 23 the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate  
 24 contributing the largest mass percent oxygen) or alternatively, use the phrase “contains MTBE or other  
 25 ethers.”  
 26 (Added 2014) (Amended 2022, and 20XX)

27 (c) Gasoline For fuels containing more than 0.3 % by volume methanol information that complies  
 28 with 2.20.2(a) and a declaration identifying the fuel shall be identified as “with” or “containing”  
 29 methanol.  
 30 (Added 2014) (Amended 2018, and 20XX)

31 (Amended 1996, 2014, and 2018)

32 3.2.6. EPA Labeling Requirements. – Retailers and wholesale purchaser-consumers of gasoline shall  
 33 comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent  
 34 (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR 1090.1510 E15 labeling provisions. (For  
 35 additional information, refer to Section 3.8.2. FTC Labeling Requirements.)

36 (Added 2012) (Amended 2018, 2023, and 20XX)

37 (Amended 2018)

38 **Previous Action:**

39 New item in 2023

40 **Original Justification:**

41 The current text of this section misrepresents the contents of the EPA regulations cited. Some may see this as an  
 42 unnecessary change. A careful review of the EPA regulation should resolve this concern.

43 The submitter requested that these be Voting items.

1 **Comments in Favor:**

2 **Regulatory:**

- 3 •

4 **Industry:**

- 5 •

6 **Advisory:**

- 7 •

8 **Comments Against:**

9 **Regulatory:**

- 10 •

11 **Industry:**

- 12 •

13 **Advisory:**

- 14 •

15 **Neutral Comments:**

16 **Regulatory:**

- 17 •

18 **Industry:**

- 19 •

20 **Advisory:**

- 21 •

22 **Item Development:**

23 New

24 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
25 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

**ITEM BLOCK 2**

**Regional recommendation to NCWM on item status:**

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

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

Amended language was provided by the submitter and is available on the WWMA website. Mr. Kevin Schnepf, CDFA DMS, suggested they should not use acronyms (PTD) and that he supports development of this item.

Based on testimony heard regarding this item not being fully developed, the WWMA L&R Committee recommends this item be assigned Developing status.

1

2 **ITEM BLOCK 3 (B3) CANNABIS**

3 **B3: PAL-22.1 Section 2. Definitions 2.XX Cannabis and Cannabis-Containing Products.**

4 **Source:**

5 NCWM Cannabis Task Group

6 **Purpose:**

7 Establish a clear definition of *Cannabis* and *Cannabis*-containing products for use in Handbook 130 Uniform  
8 Packaging and Labeling Requirements.

9 **Item Under Consideration:**

10 Amend Handbook 130, Uniform Packaging and Labeling Regulation, as follows:

11 **2.XX. Cannabis and Cannabis-Containing Products – Cannabis is a genus of flowering plants in the family**  
12 **Cannabaceae, of which Cannabis sativa, indica, ruderalis are species, and any hybridization thereof. This**  
13 **definition includes products that contain 0.3 percent or less of Total Delta-9 Tetrahydrocannabinol (THC) (also**  
14 **known as Hemp) and products that contain more than 0.3 percent of Total Delta-9 THC (also known as**  
15 **cannabis, marijuana or marihuana).**

16 **(Added 20XX)**

17 **Previous Action:**

18 2022: Voting – Returned to Committee.

19 **Original Justification:**

20 Since *Cannabis* and *Cannabis*-containing products were first legalized by some states, the industry has undergone an  
21 unprecedented expansion. Even though these products haven't received Federal approval at this time, more and more

1 states have supported *Cannabis* and *Cannabis*-containing products for medicinal or adult-use under their own laws.  
2 This has resulted in boutique markets developing across the country with restrictive state boundaries for lack of clarity  
3 and uniformity in commercialization of these products.

4 *Cannabis* and *Cannabis*-containing products are unique in many aspects; they have a niche as medicine, have resulted  
5 in the development of adult use markets, and have an incredible array of different manufacturing and industrial  
6 applications. Some of these products contain controlled substances which presents a special concern for the safety  
7 and welfare of consumers if misused or mishandled. Further, they are subject to strict regulations by multiple  
8 government agencies. *Cannabis* and *Cannabis*-containing products and applications range from non-food to food  
9 products for human and animal consumption through inhalation, ingestion, and/or topical or dermal application. They  
10 can be used as ingredients in other commodities, changing in most cases the product identity to *Cannabis* and  
11 *Cannabis*-containing products. Some *Cannabis* and *Cannabis*-containing products are very susceptible to  
12 environmental conditions easily losing or gaining moisture with consequences impacting net quantity, degradation of  
13 active cannabinoids, and/or microbial proliferation depending on the situation. These are just some of the reasons  
14 there are many concerns and uncertainty surrounding the method of sale and commercialization of *Cannabis* and  
15 *Cannabis*-containing products.

16 Many states have already, or are in the planning stages of, codified packaging and labeling regulations that may differ  
17 from those proposed here. They may change yet again once the federal government establishes regulations for  
18 *Cannabis* and *Cannabis*-containing products. However, unifying the packaging and labeling requirements nationally  
19 through this proposal will eliminate the boutique markets currently developing. Much of industry has expressed the  
20 desire for uniformity and this will align with their needs in this regard.

21 The submitter requested that this be a Voting Item in 2022.

22 Note: The Committee heard testimony on each individual item in Block 3 (B3 (Cannabis)). The comments heard are  
23 reported for each item, but the Committee will keep items PAL-22.1 PAL 22.2 and MOS-22.2 together as a block.  
24 Item NET-22.1 is removed from the block and will be considered separately.

25

26 **Comments in Favor:**

27 **Regulatory:**

- 28 • Co-Chair of the Cannabis Task Group and Matt Curran, Florida supported this item.

29 **Industry:**

- 30 • None

31 **Advisory:**

- 32 • None

33 **Comments Against:**

34 **Regulatory:**

- 35 • None

36 **Industry:**

- 37 • None

38 **Advisory:**



- 1           • Dave Sefcik provided a summary of the NIST, OWM analysis.  
 2           OWM does not believe having a definition is needed. The reason is because Cannabis already has a  
 3           known standard of identity. It is not necessary to add a definition to the handbook.

4           Section 2 “Definitions” in the UPLR are used to define terms. The definition section is not intended to  
 5           define Commodities. The Committee may not want to set a precedent of defining Commodities  
 6           especially for a commodity with a known standard of identity.

7           If it is decided to continue to move this item forward for Vote, the definition as stated in the PUB 16  
 8           should have the proper terminology associated with the name. Currently, the language specifies products  
 9           that contain more or less than 0.3 % Delta -9 THC. THC is abbreviated and should be spelled out and  
 10          called tetrahydrocannabinol.

11   **Neutral Comments:**

12          **Regulatory:**

- 13          • Mr. Joe Moreo, Trinity County, California requested that additional species of Cannabis be included.  
 14            which was made by the Committee and included adding “*indica, ruderalis* species and any  
 15            “hybridization thereof” to the definition of Cannabis and Cannabis-Containing Products.  
 16  
 17          • Jason Flint, New Jersey, recommended that C in Cannabis be lower case on line 35.

18          **Industry:**

- 19          • None

20          **Advisory:**

- 21          • Dave Sefcik, NIST, OWM provided the following statement:

22            “In contrast to hemp, marijuana remains a Schedule I substance under the Controlled Substances  
 23            Act. NIST does not have a regulatory or policy role related to the production, sale, distribution, or use  
 24            of cannabis (including hemp and marijuana). NIST participates in the National Conference of Weights  
 25            and Measures (NCWM) as part of NIST’s statutory mission to promote uniformity in state laws,  
 26            regulations, and testing procedures.”

27   **Item Development:**

28   NCWM 2022 Interim Meeting: The Committee assigned Voting status for this item.  
 29   The Committee heard unanimous support for this item from Regulators and Industry who shared the need for it.

30  
 31   NCWM 2022 Annual Meeting: The Committee heard support for this item from the Co-Chair of the Cannabis Task  
 32   Group and Matt Curran, Florida.

33   The Committee also received requests for changes from Mr. Joe Moreo, Trinity County, California. He requested and  
 34   the Committee amend the proposal and include additional species of Cannabis be included. This change was made by  
 35   the Committee and they added “*indica, ruderalis* species and any “hybridization thereof” to the definition of Cannabis  
 36   and Cannabis-Containing Products. The Committee also removed the capitalization of the words cannabis, marijuana  
 37   and marihuana. The Committee spelled out the acronym for “THC”.

38   **Regional Association’s Comments:**

39   CWMA 2022 Annual Meeting: Lisa Warfield, NIST Technical Advisor recommends this as a Developing item or  
 40   Assigned to the Cannabis Task Group to obtain additional information that OWM has recommended in the analysis.  
 41   She read the following statement from NIST OWM.

**“Cannabis” Statement from NIST OWM:**

As a non-regulatory metrology institute, NIST defers to federal agencies with regulatory authority under the Controlled Substances Act (CSA) for the scheduling of drugs or other substances. NIST does not have a policy role related to the production, sale, distribution, or use of cannabis (including hemp and marijuana).

While the 2018 Farm Bill removed hemp from the list of controlled substances under Schedule 1 of the CSA, marijuana remains on that list. NIST must respect that distinction even as it exercises its statutory authority to develop and disseminate national weights and measures standards for the production, distribution, and sale of products in the commercial marketplace.

NIST remains committed to providing technical assistance to the weights and measures community. OWM has provided key technical points for the community to consider in its deliberations of cannabis-related proposals, and OWM would be happy to provide any necessary clarification. OWM comments are intended to encourage technically sound application of legal metrology laws, regulations, and practices to the measurement and sale of these products.

NEWMA 2022 Annual Meeting: John McGuire, Chairman NEWMA L&R Committee, NJ – Noted that the NCWM Cannabis Work Group, NCWM L&R Committee and the NEWMA L&R Committee recommends removing this block and making them individual items to ensure each item is fully considered.

**B3: PAL-22.2                      Section 10. Requirements, 10.XX Cannabis and Cannabis-Containing Products.**

**Source:**

NCWM Cannabis Task Group

**Purpose:**

Establish uniform packaging and labeling requirements for *Cannabis* and *Cannabis*-containing products.

**Item Under Consideration:**

Amend Handbook 130, Uniform Packaging and Labeling Regulation, as follows:

**10.XX. Cannabis and Cannabis-Containing Products – Any Cannabis or Cannabis-containing products intended for human or animal consumption or application, shall bear on the outside of the package the following:**

**(a) On the principal display panel**

**(1) the statement “Contains Cannabis”. The word “Cannabis” shall be capitalized and italicized; and**

**(2) the statement “Contains 0.3% or less Total Delta-9 THC” or “Contains more than 0.3% Total Delta- 9 THC”; and**

**(b) On back or side panel**

**(1) a declaration of the labeled cannabinoid per serving or application; and**

**(2) the quantity declaration shall be in milligrams.**

**Previous Action:**

1 2022: Voting – Returned to Committee

2 **Original Justification:**

3 Since *Cannabis* and *Cannabis*-containing products were first legalized by some states, the industry has undergone an  
 4 unprecedented expansion. Even though these products haven’t received Federal approval at this time, more and more  
 5 states have supported *Cannabis* and *Cannabis*-containing products for medicinal or adult-use under their own laws.  
 6 This has resulted in boutique markets developing across the country with restrictive state boundaries for lack of clarity  
 7 and uniformity in commercialization of these products.

8 *Cannabis* and *Cannabis*-containing products are unique in many aspects; they have a niche as medicine, have resulted  
 9 in the development of adult use markets, and have an incredible array of different manufacturing and industrial  
 10 applications. Some of these products contain controlled substances which presents a special concern for the safety  
 11 and welfare of consumers if misused or mishandled. Further, they are subject to strict regulations by multiple  
 12 government agencies. *Cannabis* and *Cannabis*-containing products and applications range from non-food to food  
 13 products for human and animal consumption through inhalation, ingestion, and/or topical or dermal application.

14 They can be used as ingredients in other commodities, changing in most cases the product identity to *Cannabis* and  
 15 *Cannabis*-containing products. Some *Cannabis* and *Cannabis*-containing products are very susceptible to  
 16 environmental conditions easily losing or gaining moisture with consequences impacting net quantity, degradation of  
 17 active cannabinoids, and/or microbial proliferation depending on the situation. These are just some of the reasons  
 18 there are many concerns and uncertainty surrounding the method of sale and commercialization of *Cannabis* and  
 19 *Cannabis*-containing products.

20 Since *Cannabis* is being introduced as an ingredient into many commodities, having a statement on the principal  
 21 display panel will allow consumers to be informed as to its contents. The amount and type of cannabinoids are a  
 22 deciding factor to consumers when purchasing *Cannabis* and *Cannabis*-containing products. This would also provide  
 23 regulators with the information necessary to ensure consumers are not being defrauded as these products carry a hefty  
 24 price tag.

25 A declaration of marketed cannabinoids and their respective concentration will allow consumers to compare like  
 26 products for value comparison. Both requirements will also act as a safety mechanism to alert consumers of the  
 27 contents and aid them in selecting the desired product.

28 Many states have already, or are in the planning stages of, codified packaging and labeling regulations that may differ  
 29 from those proposed here. They may change yet again once the federal government establishes regulations for  
 30 *Cannabis* and *Cannabis*-containing products. However, unifying the packaging and labeling requirements nationally  
 31 through this proposal will eliminate the boutique markets currently developing. Much of industry has expressed the  
 32 desire for uniformity and this will align with their needs in this regard.

33 The submitter requested that this be a Voting Item in 2022.

34 **Comments in Favor:**

35 **Regulatory:**

- 36 • Matthew Curran, Florida supported the editorial change of italicizing and capitalizing “Cannabis”.
- 37 • Austin Shepard, San Diego County Weights and Measures supported the change to
- 38 “Contains 0.3% or less Total Delta-9 THC” or “Contains more than 0.3% Total Delta-
- 39 9 THC.”

40 **Industry:**

- 41 • Charlie Rutherford, Co-Chair Cannabis Task Group supported the item.

42 **Advisory:**

- 1 • None

2 **Comments Against:**

3 **Regulatory:**

- 4 • None

5 **Industry:**

- 6 • None

7 **Advisory:**

- 8 • None

9 **Neutral Comments:**

10 **Regulatory:**

- 11 • None

12 **Industry:**

- 13 • None

14 **Advisory:**

- 15 • Dave Sefcik, NIST, OWM provided the following statement:

16 “In contrast to hemp, marijuana remains a Schedule I substance under the Controlled Substances  
17 Act. NIST does not have a regulatory or policy role related to the production, sale, distribution, or use  
18 of cannabis (including hemp and marijuana). NIST participates in the National Conference of Weights  
19 and Measures (NCWM) as part of NIST’s statutory mission to promote uniformity in state laws,  
20 regulations, and testing procedures”

- 21 • Mr. Sefcik provided a summary of the NIST, OWM analysis:  
22 OWM had previously noted our concerns with “*Cannabis*” being italicized. It is still not clear in the  
23 language whether this is a requirement that this term “Cannabis” appear in italics style for packaging  
24 and labeling requirements as stated in L&R page 127, Line2. As it is written, it could easily be implied  
25 that italics is required. If italics is required as part of labeling, it should explicitly say so. If not, this  
26 should also be clearly stated or the italics removed as to not cause confusion. As written, it can easily  
27 be implied capitalization and italics of the word cannabis is required on labeling.

28 OWM also recommends formatting changes to align with HB 130 formatting. Specifically, L&R 127  
29 Line 2 and 3 should have the number 1 and 2 in parenthesis, and Line 5 should break apart the sentence  
30 to include subsection (b) with a (1) and (2) points below it in parenthesis. This is available in our  
31 analysis.

32 Lastly, there are grammar corrections needed to line 3 which states “less that” rather than “less than”...  
33 and subsection (b) in Line 5, uses the term “marketed” rather than “labeled”.

34 **Item Development:**

35 NCWM 2022 Interim Meeting. The Committee assigned Voting status for this item.

36 The Committee heard support for this item from several Regulators and did not hear opposition to it. The Committee  
37 made a couple changes to the item in section **10.XX. Cannabis and Cannabis-Containing Products** and believes it  
38 is fully developed and ready for a vote.

1 NCWM 2022 Annual Meeting: The Committee removed the italicization of letter “C” in word “Containing” and made  
2 an editorial change to the language specifying the level of Total Delta-9 THC to harmonize with other sections.

3 The Committee changed the roman numerals to numerical and separated out paragraph (b) into 1 and 2.

4 The Committee considered the testimony from Dave Sefcik, NIST, OWM and the written NIST, OWM analysis  
5 provided to the Committee and published on the NCWM website

6 **Regional Association’s Comments:**

7 CWMA 2022 Annual Meeting: Lisa Warfield, NIST Technical Advisor commented on the following:

8 **PAL 22.2 Section 10 Requirements Exemptions 10.XX Cannabis and Cannabis Containing Products**

9 After reviewing the 2022 Interim L&R Report OWM is recommending formatting changes that are easier to follow  
10 and apply. This also corrected some of the grammar (e.g., line 14 states “less that”). In (b) is uses the term “marketed”,  
11 a proper term would be “of the labeled cannabinoid.”

12 The Committee discussed Ms. Warfield’s suggested changes and recommends the item remain a Voting item with the  
13 following revisions to the version appearing on the current agenda:

14 **10.XX. Cannabis and Cannabis-Containing Products – Any Cannabis or Cannabis-containing products**  
15 **intended for human or animal consumption or application, shall ~~bear~~ appear on the outside of the package**  
16 **the following information:**

17 **(a) On the principal display panel**

18 **(i) ~~The a~~ statement “Contains Cannabis”;**

19 **(2) ~~(ii) The a~~ statement with either “contains less than 0.3 % total delta-9 THC” or “contains 0.3**  
20 **% or more total delta-9 THC”; and**

21 **(b) On the back or side panel**

22 **(1) a declaration of the marketed labeled cannabinoid per serving or application; and**

23 **(2) the quantity declaration shall be in terms of milligrams.**

24 This item was recommended as a Voting Item on the NCWM agenda.

25 NEWMA 2022 Annual Meeting: John McGuire, Chairman NEWMA L&R Committee, NJ – Noted that the NCWM  
26 Cannabis Work Group, NCWM L&R Committee and the NEWMA L&R Committee recommends removing this  
27 block and making them individual items to ensure each item is fully considered.

28 Tina Butcher, NIST OWM – (submitted comments):

29 “As a non-regulatory metrology institute, NIST, defers to federal agencies with regulatory authority under the  
30 Controlled Substances Act (CSA) for the scheduling of drugs or other substances. NIST does not have a policy role  
31 related to the production, sale distribution, or use of cannabis (including hemp and marijuana).”

32 “While the 2018 Farm Bill removed hemp from the list of controlled substances under Schedule 1 of the CSA,  
33 marijuana remains on that list. NIST must respect that distinction even as it exercises its statutory authority to develop

1 and disseminate national weights and measures standards for the production, distribution and sale of products in the  
2 commercial marketplace.”

3 “NIST remains committed to providing technical assistance to the weights and measures community. OWM has  
4 provided key technical points for the community to consider in its deliberations of cannabis-related proposals, and  
5 OWM would be happy to provide any necessary clarification. OWM comments are intended to encourage technically  
6 sound application of legal metrology laws, regulations, and practices to the measurement and sale of these products.”

7 No additional comments received during the open hearing.

8 NEWMA L&R Committee recommends this item continues to be a voting item.

9 **B3: MOS-22.2 Section 1.XX. Cannabis and Cannabis-Containing Products and 2.XX.**  
10 **Cannabis and Cannabis-Containing Products.**

11 **Source:**

12 NCWM Cannabis Task Group

13 **Purpose:**

14 Create a new section in the Uniform Regulation for the Method of Sale of Commodities in Handbook 130 for *Cannabis*  
15 and *Cannabis-Containing Products*. Given the nature of these products, they need to be included in both, the Food and  
16 Non-Food sections of this regulation.

17 **Item Under Consideration:**

18 Amend Handbook 130, Uniform Regulation for the Method of Sale of Commodities, as follows:

19 **1.XX Cannabis and Cannabis-Containing Products – Cannabis is a genus of flowering plants in the family**  
20 **Cannabaceae, of which *Cannabis sativa*, *indica*, *ruderalis* are species, and any hybridization thereof. This**  
21 **definition includes products that contain 0.3 percent or less of Total Delta-9 Tetrahydrocannabinol (THC) (also**  
22 **known as Hemp) and products that contain more than 0.3 percent of Total Delta-9 THC (also known as**  
23 **cannabis, marijuana or marihuana).**

24 **1.XX.X. Unit**

25 (a) **Volume – Products offered for sale in liquid form shall be sold by volume.**

26 (b) **Weight- Products offered for sale in non-liquid form shall be sold by weight. These products may**  
27 **also have a supplemental declaration of count or measure.**

29 **1.XX.X.– Sale from Bulk**

30 (a) **When sold from bulk, all sales shall be based on net weight or net volume.**

31 (b) **When liquids are offered for sale from bulk, the reference temperature for measurement shall be**  
32 **20 °C (68 °F). Products shall be delivered at a temperature within ± 2 °C (5 °F). Artificially**  
33 **heating liquids to temperatures higher than the specified limits is prohibited.**

34 **1.XX.X. Water Activity-When unprocessed *Cannabis*, is kept, offered, or exposed for sale, sold, bartered,**  
35 **or exchanged, or ownership transfers, the water activity shall be 0.60 (± 0.05) in accordance with latest**  
36 **version of ASTM D 8197, *Standard Specification for Maintaining Acceptable Water Activity (aw) Range (0.55***  
37 **to 0.65) for Dry Cannabis Flower Intended for Human/Animal Use.**

1 The procedure for determining the water activity in Cannabis flower can be found in the latest version of  
2 ASTM D 8196 Standard Practice for Determination of Water Activity ( $a_w$ ) in Cannabis Flower.

3 And

4 Section 2. Non-Food Products.

5 2.XX. Cannabis and Cannabis-Containing Products – Cannabis is a genus of flowering plants in the family  
6 Cannabaceae, of which Cannabis sativa, indica, ruderalis are species, and any hybridization thereof. This  
7 definition includes products that contain 0.3 percent or less of Total Delta-9 Tetrahydrocannabinol (THC)  
8 (also known as Hemp) and products that contain more than 0.3 percent of Total Delta-9 THC (also known  
9 as cannabis, marijuana or marihuana).

10 2.XX.X. Unit

11 (a) Volume – Products offered for sale in liquid form shall be sold by volume.

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14 also have a supplemental declaration of count or measure.

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18 (b) When liquids are offered for sale from bulk, the reference temperature for measurement shall be  
19 20 °C (68 °F). Products shall be delivered at a temperature within ± 2 °C (5 °F). Artificially  
20 heating liquids to temperatures higher than the specified limits is prohibited.

21  
22 2.XX.X. Water Activity-When unprocessed Cannabis, is kept, offered, or exposed for sale, sold, bartered,  
23 or exchanged, or ownership transfers, the water activity shall be 0.60 (± 0.05) in accordance with latest  
24 version of ASTM D 8197, Standard Specification for Maintaining Acceptable Water Activity ( $a_w$ ) Range (0.55  
25 to 0.65) for Dry Cannabis Flower Intended for Human/Animal Use.

26 The procedure for determining the water activity in Cannabis flower can be found in the latest version of  
27 ASTM D 8196 Standard Practice for Determination of Water Activity ( $a_w$ ) in Cannabis Flower.

28 **Previous Action:**

29 2022: Voting - Returned to Committee.

30 **Original Justification:** This proposal was drafted by the Method of Sale Focus Group within the NCWM Cannabis  
31 Task Group.

32 The ASTM International D37 Cannabis Committee has more than 900 members, the vast majority of which are  
33 industry stakeholders. The first two D37 standards passed through the consensus process related to water activity, one  
34 of which used all available data to establish an ideal range of 0.55 to 0.65 for Cannabis plant material. The proposal  
35 to the Method of Sale herein includes a water activity of 0.60 +/- 0.05. While industry has indicated they will reiterate  
36 their support for this water activity standard through the NCWM process it is important for the Committee and  
37 Membership to be made aware that approximately 900 industry members have already weighed in on and given their  
38 consensus support to this standard. Since Cannabis and Cannabis-Containing products were first legalized by some  
39 states, the industry has undergone an unprecedented expansion. Even though these products haven't received Federal  
40 approval at this time, more and more states have supported Cannabis and Cannabis-Containing products for medicinal

1 or recreational use under their own laws. This has resulted in boutique markets developing across the country with  
2 restrictive state boundaries for lack of clarity and uniformity in commercialization of these products.

3 *Cannabis* and *Cannabis-Containing* products are unique in many aspects; they have a niche as medicine, have resulted  
4 in the development of adult use markets, and have an incredible array of different manufacturing and industrial  
5 applications. Some of these products contain controlled substances which presents a special concern for the safety  
6 and welfare of consumers if misused or mishandled.

7 Further, they are subject to strict regulations by multiple government agencies. *Cannabis* and *Cannabis-Containing*  
8 products and applications range from non-food to food products for human and animal consumption through  
9 inhalation, ingestion, and/or topical or dermal application.

10 They can be used as ingredients in other commodities, changing in most cases the product identity to *Cannabis* and  
11 *Cannabis-Containing* products. Some *Cannabis* and *Cannabis-Containing* products are very susceptible to  
12 environmental conditions easily losing or gaining moisture with consequences impacting net quantity, degradation of  
13 active cannabinoids, and/or microbial proliferation depending on the situation.

14 These are just some of the reasons there are many concerns and uncertainty surrounding the method of sale and  
15 commercialization of *Cannabis* and *Cannabis-Containing* products.

16 As a new and rapidly developing industry and given the level of uncertainty and lack of uniformity, *Cannabis* and  
17 *Cannabis-Containing* products need a clear and consistent method of sale to provide equity and fairness in the  
18 marketplace.

19 Uniformity throughout the method of sale of *Cannabis* and *Cannabis-Containing* products would harmonize  
20 regulations across states so these products are not limited by their borders. Further, this would ensure clear and fair  
21 competition in the marketplace and provide accurate quantity information for consumers to make informed price and  
22 quantity comparisons.

23 *Cannabis* has proven to be susceptible to environmental changes, a source of controlled substances, of a high dollar  
24 value, and a safety risk for consumers if misused or mishandled. As a result, *Cannabis* and *Cannabis* products require  
25 a water activity standard that shall be maintained throughout the entire distribution process from extraction to retail  
26 sale.

27 Water activity is a measure of “free” water available in the plant material to fuel microorganism growth. It is reported  
28 on a scale from 0 to 1. The optimal water activity range for *Cannabis* has been determined through scientific studies  
29 to be 0.55-0.65 and correlates to an environment that is least conducive to the growth of destructive and harmful  
30 microorganisms (e.g., molds). If *Cannabis* was to be sold with as little water content as possible the product would  
31 not remain viable (i.e., loss or destruction of desired components, such as cannabinoids and terpenes) for as long and  
32 could subject the public to increased health and safety concerns. It would not be feasible to have a moisture allowance  
33 close to zero but a product viability and safety moisture content within the optimal water activity range.

34 A water activity between 0.55 and 0.65 in *Cannabis* typically correlates to a moisture content of 10-12%. (See attached  
35 Colorado MED report showing 14% of all flowers failed initial mold/yeast testing before being allowed on the market).

36 On the *Cannabis* cultivation side, recall that *Cannabis* flower is one of the most valuable materials in the US after  
37 precious metals or gems. Between the highest safe water activity (0.65) and the lowest possible water activity (0.04),  
38 *Cannabis* flower can fluctuate about 5% in weight.

39 This means that a jurisdiction not having the ability to test water activity through the supply chain stays exposed to  
40 bad actors who could manipulate water activity at key points to divert about 5% of any harvest in a way that will  
41 completely evade every track and trace system. In a world where oversight agencies are concerned about tracking  
42 every gram, leaving thousands of pounds at risk of diversion and the related tax loss to the much more lucrative black  
43 market is a hole that needs to be plugged.



1 In the retail *Cannabis* trade, Insufficient attention and guidance is given to moisture migration in or out of some  
 2 *Cannabis* packaging and as a result, the contents of some *Cannabis* flower packaging have been found to be  
 3 underweight, resulting in the patient/consumer paying for weight that they are not receiving. For instance, underweight  
 4 complaints are the #1 consumer complaint in Oregon. For the fairness and safety of *Cannabis* consumers, a 3% +/-  
 5 weight variance Containing on enforcement of acceptable moisture range needs to be established. As has been learned  
 6 in other industries in which W&M has jurisdiction, if something can get out of a retail package during distribution, it  
 7 can also get in. The ability to test packaged *Cannabis*-Containing products at retail for water activity becomes a safety  
 8 and equity concern.

9 Solution: ASTM D8197-20 (1) establishes the ideal moisture range for *Cannabis* flower in terms of water activity of  
 10 0.60 +/- 0.05. (Exclusive free access to that and another water activity standard can be accessed at  
 11 <https://www.astm.org/NCWM.htm>" <https://www.astm.org/NCWM.htm> and free access to an ASTM water activity  
 12 eLearning course can be accessed by reaching out to [Charlie@CPRSquaredinc.com](mailto:Charlie@CPRSquaredinc.com)). This correlates to a moisture  
 13 content of 10-12 %, which narrows the range of weight variation that must be addressed in dealing with moisture loss.

14 More than 800 ASTM D37 members concluded that the ideal range for cannabis and hemp flower is 0.55-0.65 (the  
 15 equivalent to 55-65% Relative Humidity). This was affirmed by the US Pharmacopeia’s Expert Cannabis Panel in  
 16 their Cannabis Paper (2) to mitigate mold growth and maintain the quality attributes.

17 Consumers/patients buying *Cannabis* products are looking for a desired effect. Those effects are in part determined  
 18 by the presence of terpenes, which have different scents and provide various therapeutic effects. The presence of these  
 19 terpenes is diminished as the plant dries and the effects the patient/consumer is expecting are also diminished from  
 20 what is shown on the label (terpene testing).

21 The US Pharmacopeia has determined the same water activity of 0.60 +/- 0.05 to be ideal for maintaining these quality  
 22 attributes (e.g., cannabinoid and terpene content) of *Cannabis* flower (attached).

23 The submitter mentioned the following possible opposing arguments:

- 24 • Patients and Consumers don’t want to buy water when purchasing *Cannabis*. When it comes to *Cannabis*,  
 25 they want to buy the right amount of water. The right amount of water (or moisture) helps safeguard the  
 26 quality and integrity of the *Cannabis* components consumers are purchasing. These active components  
 27 would degrade in overdried plant material. It could also be argued that by providing a constant moisture  
 28 content through establishment of a water activity standard for the proper sale of unprocessed *Cannabis*  
 29 there is a measure of ensuring proper quantity during purchase.
- 30 • W&M doesn’t regulate quality. To the extent establishing an acceptable water activity range is monitoring  
 31 quality, this is a positive by-product of monitoring equitable transactions, promoting health and safety and  
 32 preventing diversion. Oversight of motor fuels is analogous in the sense that the attributes of motor fuel  
 33 are a function of quality and samples are sent to a lab for testing these attributes.
- 34 • Equipment cost. The additional cost of water activity meter(s) should not be prohibitive. It could be easily  
 35 offset by the revenue that would be saved by preventing over drying and diversion and/or by fees collected.  
 36 This could be accomplished by random testing of *Cannabis* flower throughout the manufacturing and  
 37 distributions processes. It should also be noted that setting a water activity standard in the MOS does not  
 38 establish testing requirements nor frequency of testing requirements.
- 39 • Illegal activity. Not every state has legalized the sale and distribution of *Cannabis*, whether it contains  
 40 more or less than 0.3 % THC. However, there are many states (and federal agencies) that have legalized  
 41 the sale of *Cannabis* in some form or fashion or another. There are strong indication that federal and other  
 42 state agencies are working to establish requirements for the sale of *Cannabis* and *Cannabis*-products.
- 43 • Some have expressed concern over this water activity applying to *Cannabis*-containing products, which  
 44 resulted from confusion. The water activity proposed herein would not apply to *Cannabis*-containing  
 45 products, rather it would only apply to *Cannabis* plant material. Traditional water activity levels applied

1 to food products would not be altered or affected by this proposal. The submitter requested that this be a  
2 Voting Item in 2022.

3 **Comments in Favor:**

4 **Regulatory:**

- 5 • None

6 **Industry:**

- 7 • None

8 **Advisory:**

- 9 • None

10 **Comments Against:**

11 **Regulatory:**

- 12 • None

13 **Industry:**

- 14 • None

15 **Advisory:**

- 16 • Dave Sefcik, NIST, OWM stated that OWM does not concur a Method of Sale is necessary for this  
17 Cannabis for the following reasons.
- 18 • The Uniform Weights and Measures Law, Section 16. Method of Sale as well as Table 6.4. in the UPLR  
19 already specifies these unit requirements for food and nonfood products. The MOS regulation typically  
20 defines unique commodities that fall outside the normal of how a particular commodity must be  
21 expressed in units of weight measure volume or count. Cannabis is not a unique commodity in this  
22 sense.
- 23 • A definition of Cannabis is being proposed here in the MOS for a commodity that has a known standard  
24 of identity. As stated earlier in the item under consideration to add a definition, a definition is not  
25 needed.
- 26 • This only leaves Water Activity as a consideration for inclusion within the MOS. Water Activity is used  
27 to measure the growth of microbes using ASTM D8196-20, Standard Practice for Determination of  
28 Water activity ( $a_w$ ) in Cannabis, helping to ensure its safety. It is also used to identify the potency (THC  
29 level). In many states water activity testing would be conducted by an agency, other than weights and  
30 measures. Outside of fuel quality most weights and measures programs do not inspect and enforce  
31 quality and safety of most consumer commodities. W&M does not regulate quality. W&M strives for  
32 equity in the marketplace but has not been involved with the health and safety side of commodities.
- 33 • Linked to this is equipment cost. The Cannabis TG acknowledges that the additional cost of a water  
34 activity meter should not be cost prohibitive. And that it could be easily offset by revenue saved by fees  
35 collected. OWM notes that many state package checking inspection activities are not fee supported and  
36 would not be generating income by charging fees.

37 If the committee moves forward with the MOS, it is not necessary to list examples of products. This is not  
38 needed, and the MOS stands on its own merit. This is found in our analysis.

39 **Neutral Comments:**

1 **Regulatory:**

- 2 • Mr. Joe Moreo, Trinity County, California requested that additional species of Cannabis be included in  
3 the item.

4 **Industry:**

- 5 • None

6 **Advisory:**

- 7 • Dave Sefcik, NIST, OWM provided the following statement:

8 “In contrast to hemp, marijuana remains a Schedule I substance under the Controlled Substances  
9 Act. NIST does not have a regulatory or policy role related to the production, sale, distribution, or use  
10 of cannabis (including hemp and marijuana). NIST participates in the National Conference of Weights  
11 and Measures (NCWM) as part of NIST’s statutory mission to promote uniformity in state laws,  
12 regulations, and testing procedures”.

13 **Item Development:**

14 NCWM 2021 Interim Meeting: The Committee assigned Voting status for this item.

15 The Committee heard support for this item. The Committee also heard the need to define “Water Activity” which  
16 they included by citing the ASTM definition for Water Activity. The Committee sought and received copyright  
17 permission from ASTM to use their definition in the printed NIST Handbook materials.

18 2022 Annual Meeting: The Committee harmonized 1.XX and 2.XX with PAL 22.1 Definition, eliminated the  
19 definition for Water Activity, and removed examples from 1.XX.X and 2.XX.X Units. The Committee also changed  
20 the word “quantity” to “volume” in 1.XX.X and 2.XX.X Sale from Bulk subsection (a). In 2.XX.X Water Activity  
21 was changed from 0.6 to 0.60.

22 The Committee added a reference for the ASTM Water Activity test method.

23 The Committee considered the written NIST, OWM analysis provided to the Committee and published on the NCWM  
24 website, and Mr. Sefcik’s summary of the NIST, OWM analysis during the open hearing.

25 **Regional Association’s Comments:**

26 CWMA 2022 Annual Meeting: No comments were heard on this specific item.

27 NEWMA 2022 Annual Meeting: John McGuire, Chairman NEWMA L&R Committee, NJ – Noted that the NCWM  
28 Cannabis Work Group, NCWM L&R Committee and the NEWMA L&R Committee recommends removing this  
29 block and making them individual items to ensure each item is fully considered.

30 Tina Butcher, NIST OWM – (submitted comments):

31 “As a non-regulatory metrology institute, NIST, defers to federal agencies with regulatory authority under the  
32 Controlled Substances Act (CSA) for the scheduling of drugs or other substances. NIST does not have a policy role  
33 related to the production, sale distribution, or use of cannabis (including hemp and marijuana).”

34 “While the 2018 Farm Bill removed hemp from the list of controlled substances under Schedule 1 of the CSA,  
35 marijuana remains on that list. NIST must respect that distinction even as it exercises its statutory authority to develop  
36 and disseminate national weights and measures standards for the production, distribution and sale of products in the  
37 commercial marketplace.”

38 “NIST remains committed to providing technical assistance to the weights and measures community. OWM has  
39 provided key technical points for the community to consider in its deliberations of cannabis-related proposals, and

- 1 OWM would be happy to provide any necessary clarification. OWM comments are intended to encourage technically  
2 sound application of legal metrology laws, regulations, and practices to the measurement and sale of these products.”
- 3 Jason Flynn -NJ - Flynn – Note that page 129 of the NEWMA L&R Committee submission, Section 1.XX.X Water  
4 Activity, line 16, language describes the latest version of Water Activity. In reference to ASTM D8197, questions  
5 whether we should reference the ASTM standard or include the verbiage since ASTM standards are regularly updated.
- 6 NEWMA L&R Committee believes that to be consistent with the rest of the NIST Handbook 130 referencing the  
7 ASTM Standard is the appropriate method.
- 8 No additional comments received during the open hearing.
- 9 NEWMA L&R Committee recommends this item continues to be a voting item.
- 10 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
11 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

ITEM BLOCK 3	
<b>Regional recommendation to NCWM on item status:</b>	
<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>
<b>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></b>	
Mr. Charles Rutherford, Chair NCWM Cannabis Task Group, wanted to remind jurisdictions that did not vote on this item that it is important both to jurisdictions that need Cannabis regulations and the item also includes Hemp regulations that are needed by many states. Mr. Kurt Floren, LA County, supports this item moving forward with an editorial change: <b>PAL-22.2; 10.XX (b)</b> <b><u>(2) the cannabinoid quantity declaration shall be in milligrams</u></b> Mr. Kevin Schnepf, CDFA DMS, supported the item moving forward as a voting item with Kurt’s edit.	
Based on the testimony heard, the WWMA L&R Committee recommends this item for Voting status.	

12

13 **ITEM BLOCK 6 (B6) A TRANSMISSION FLUID**

14 **Source:**

15 Missouri Department of Agriculture

16 **Purpose:**

17 Protect consumers by providing a cautionary statement of package labels of obsolete transmission fluids.

1 **B6: MOS-21.1. A Section 2.36.2. Labeling and Identification of Transmission Fluid**

2 **Item Under Consideration:**

3 Amend Handbook 130, Uniform Regulation for the Method of Sale of Commodities, as follows:

4 **2.36.2. Labeling and Identification of Transmission Fluid.** – Transmission fluid shall be labeled or identified  
5 as described below.

6 (Added 2017)

7 **2.36.2.1. Container Labeling.** – The label on a container of transmission fluid shall not contain any  
8 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,  
9 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of transmission fluid shall  
10 be labeled with the following:

11 the brand name;

12 the name and place of business of the manufacturer, packer, seller, or distributor;

13 the words “Transmission Fluid,” which may be incorporated into a more specific description of  
14 transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission  
15 Fluid”;

16 the primary performance claim or claims met by the fluid and reference to where any supplemental  
17 claims may be viewed (for example, website reference). Performance claims include but are not  
18 limited to those set by original equipment manufacturers and standards setting organizations such  
19 as SAE and JASO and are acknowledged by reference; and

20 an accurate statement of the quantity of the contents in terms of liquid measure.

21 **Any obsolete equipment manufacturer specifications shall be clearly identified as “obsolete”**  
22 **and accompanied by the following cautionary statement on the principal display in accordance**  
23 **with the Uniform Packaging and Labeling Regulation, Section 8. Prominence and Placement:**  
24 **Consumer Packages and Section 9. Prominence and Placement: Non-Consumer Packages.**  
25 **Caution: Some of the specifications are no longer deemed active by the original equipment**  
26 **manufacturer. Significant harm to the transmission is possible when using in applications in**  
27 **which it is not intended. Always refer to your vehicle owner’s manual for proper transmission**  
28 **fluids.**

29 **The above ~~warning~~ cautionary statement is not required if the fluid claims to meet current**  
30 **original equipment manufacturer’s specifications and refers to thereby preceding**  
31 **specifications**

32 **(Added 20XX)**

33 (Added 2017 **and Amended 20XX**)

34 **B6: FLR-21.2. A Section 3.14.1. Labeling and Identification of Transmission Fluid**

35 **Item Under Consideration:**

36 Amend Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, as follows

1       **3.14.1. Labeling and Identification of Transmission Fluid.** – Transmission fluid shall be labeled  
2 or identified as described below

3       (Added 2017)

4       **3.14.1.1. Container Labeling.** – The label on a container of transmission fluid shall not contain any  
5 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,  
6 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of transmission fluid shall  
7 be labeled with the following:

8           (a) the brand name;

9           (b) the name and place of business of the manufacturer, packer, seller, or distributor;

10          (c) the words “Transmission Fluid,” which may be incorporated into a more specific description of  
11 transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission  
12 Fluid”;

13          (d) the primary performance claim or claims met by the fluid and reference to where any supplemental  
14 claims may be viewed (e.g., website reference). Performance claims include but are not limited to  
15 those set by original equipment manufacturers and standards setting organizations such as SAE and  
16 JASO and are acknowledged by reference; and

17          (e) an accurate statement of the quantity of the contents in terms of liquid measure.

18          (f) **Any obsolete equipment manufacturer specifications shall be clearly identified as “obsolete”**  
19 **and accompanied by the following cautionary statement on the principal display panel in**  
20 **accordance with the Uniform Packaging and Labeling Regulation, Section 8. Prominence and**  
21 **Placement: Consumer Packages and Section 9. Prominence and Placement: Non-Consumer**  
22 **Packages.**

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

27           **The above cautionary statement is not required if the fluid claims to meet current original**  
28 **equipment manufacturer’s specifications and refers to thereby preceding specifications**

29           **(Added 20XX)**

30       (Amended 2017 **and 20XX**)

31       **Previous Action:**

32           2021: Assigned – Fuels and Lubricants Subcommittee

33           2022: Assigned – Fuels and Lubricants Subcommittee

34       **Original Justification:**

35       Cautionary statements regarding obsolete products are currently required for tractor hydraulic fluids and are under  
36 consideration for motor oil. A cautionary statement and its position on the product label are currently not required for  
37 Transmission fluid in either the Method of Sale, or Fuels and Lubricants Regulations. This proposal will protect  
38 consumers by ensuring they are informed when purchasing transmission fluids.

1 The submitter acknowledged that there may be argument that there is not sufficient space on the front package label  
2 for a cautionary statement.

3 **Comments in Favor:**

4 **Regulatory:**

- 5 • None

6 **Industry:**

- 7 • None

8 **Advisory:**

- 9 • None

10 **Comments Against:**

11 **Regulatory:**

- 12 • None

13 **Industry:**

- 14 • None

15 **Advisory:**

- 16 • None

17 **Neutral Comments:**

18 **Regulatory:**

- 19 • None

20 **Industry:**

- 21 • None

22 **Advisory:**

- 23 • None

24 **Item Development:**

25 NCWM 2021 Interim Meeting: The Committee reviewed the following item for consideration in NCWM Publication  
26 15 (2021):

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

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

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

35 (Added 20XX)

36 It was agreed by the Committee that this language should be identical to the language that was just voted in at the  
37 2020 NCWM Annual Meeting within Item Block 2. Tractor Hydraulic Fluid.

1 The Committee provided this a status of Assigned and would like FALS to further evaluate with recommendations  
 2 that Ms. Johnson provides. The Committee would like FALS to review the language to see if this product includes  
 3 consumer and non-consumer type packaging. Many spoke in support of how this item will be developed through  
 4 FALS.

5 NCWM 2021 Annual Meeting: No action taken by the Committee.

6 NCWM 2022 Interim Meeting: Committee assigned the item to FALS.

7 NCWM 2022 Annual Meeting: The Committee supports keeping this item as assigned to FALS with the support and  
 8 understanding that they would seek the necessary expertise to fully develop this item.

9 **Regional Associations' Comments:**

10 WWMA 2021 Annual Meeting: Mr. Russ Lewis, (API) – Provided testimony in support of this Block moving forward  
 11 as a Voting Item. Mr. Bill Striejewski, (FALS Chair) – Stated that this Item Block has been assigned to FALS, and  
 12 that the item is being worked on by a Task Group led by Joanna Johnson from the AOCA. Mr. Ron Hayes (Retired,  
 13 Missouri) – Stated as part of the Task Group they are working on a list with Allan Morrison (CDFA – DMS). The list  
 14 is comprised of both current and obsolete automatic transmission fluids.

15 The Committee recommends that this item remain Assigned. The Committee supports the work that the FALS  
 16 Subcommittee is conducting.

17 SWMA 2021 Annual Meeting: Prentiss Searles (API) is in support of this item remaining as Assigned. NIST OWM  
 18 provided written analysis supporting the development of this Blocked item through FALS.

19 The Committee recommends this item to remain Assigned.

20 CWMA 2022 Annual Meeting: No comments were heard.

21 NEWMA 2022 Annual Meeting: No comments received during the open hearing.

22 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
 23 [www.ncwm.com/publication-15](http://www.ncwm.com/publication-15) to review these documents.

<b>ITEM BLOCK 6</b>	
<b>Regional recommendation to NCWM on item status:</b>	
<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 checked="" 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>
<b>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></b>	
The WWMA L&R Committee did not solicit comments on this item, and recommends this item continue as assigned to FALS and thanks the subcommittee for their support.	



- 1 Mr. Mike Brooks, Arizona | Chair 1
- 2 Mr. Alberto Villagomez, Colorado Division of Oil | Chair 2
- 3 Mr. Austin Shepard, San Diego County, California | Chair 3
- 4 Mrs. Angela Godwin, San Bernardino County, California | Annual
- 5 Mr. Kevin Schnepf, California | Ex-Officio

**WWMA Laws and Regulations Committee**