**NCWM Laws and Regulations (L&R) Committee July 2019**

**Handbooks 130 and 133**

(Summary by Michelle Wilson)

**VOTING ITEMS**

***ALL VOTING ITEMS IN THE L&R COMMITTEE PASSED***

**ITEM BLOCK 4 (B4) TRACTOR HYDRAULIC FLUID**

B4: MOS-6 V Uniform Method of Sale of Commodities Regulation, Section 2.XX Tractor Hydraulic Fluid

B4: FLR-6 V Uniform Fuels and Automotive Lubricants Regulation, Sections 1.XX. Tractor Hydraulic Fluid, 1.XX. Hydraulic Fluid, 2.XX. Products for Use in Lubricating Tractors and 3.XX. Tractor Hydraulic Fluid

Purpose:

Prevent product misrepresentation and equipment failure.

**ITEM BLOCK 5 (B5) HANDBOOK 130, OPEN DATING REGULATION AND UPDATE WEIGHTS AND MEASURES LAW, SECTION 9 AND 12.**

B5: WAM-1 V Section 9. Requirements for Open Dating and Section 12. Powers and Duties of the Director.

B5: ODR-2 V Uniform Open Dating Regulation

Purpose:

Remove all reference to Open Dating enforcement from NIST Handbook 130 since it is typically enforced by Food Safety officials rather than Weights and Measures Officials.

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

MOS-5 V Section 1. Food Products and Section 2. Non-Food Products

Purpose:

Clarify and formalize the long-standing, fundamental, core tenet of legal metrology and weights and measures regulation that the sale of any commodity, in any form or by any method, be according to legally-recognized, traceable units of measure.

MOS-7 V Section 2.4. Fireplace and Stove Wood.

Purpose:

Provide an extension to the effective date for companies that were not given notice when changes were adopted.

MOS-8 V Section 2.XX. Non-Utility Transactions of Electrical Energy (Other than Vehicle Fueling Applications).

Purpose:

1. Make the weights and measures community aware of work being done within the U.S. National Work Group on Electric Vehicle Fueling and Submetering to develop proposed requirements for electric watthour meters used in submeter applications in residences and businesses;

2. Encourage participation in this work by interested regulatory officials, manufacturers, and users of electric submeters.

3. Allow an opportunity for the USNWG to provide regular updates to the S&T Committee and the weights and measures community on the progress of this work;

4. Allow the USWNG to vet specific proposals as input is needed.

MOS-11 V Section 2.37. Pet Treats or Chews

Purpose:

Modify NIST Handbook 130 Section 2.37. Pet Treats or Chews to create an effective and enforcement date for this regulation.

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

FLR-1 V Section 3. Classification, Identification, and Labeling for Method of Sale and Section 3.2.4. Method of Labeling for Retail Sale

Purpose:

This proposal is to harmonize the method of sale for kerosene between the Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation.

FLR-7 V Section 2.2. Diesel Fuel

Purpose:

Update the requirements to better meet the needs of modern diesel engines when a fuel that has functional benefits beyond ASTM Standard Specification D975 is desired by the diesel equipment users.

Priority Item V Section 2.1. Gasoline and Gasoline-Oxygenate Blends

Purpose:

Amend the handbook to reflect changes to 40 CFR 80.27(d) to include higher blends of ethanol during the summer driving season.

**NET – HANDBOOK 133**

NET-4 V Section 3.4. Volumetric Test Procedures for Viscous Fluids - Headspace

Purpose:

Change the specification for depth gage micrometers to reduce cost while maintaining accuracy. Require distilled water for use with pipets or burets. Clarify test procedures.

NET-5 V Section 3.7. Volumetric Test Procedure for Paint, Varnish and Lacquers – Non-Aerosol

Purpose:

Change the specification for depth gage micrometers to reduce cost while maintaining accuracy. Provide a more efficient and practical method of verifying net contents of containers of paint.

NET-6 V Section 4.8. Procedure for Checking the Area Measurement of Chamois

Purpose:

To update and revise test procedure 4.8. Procedure for Checking the Area Measurement of Chamois.

NET-7 V Section 4.XX. Softwood Lumber

Purpose:

Provide inspectors and industry with a HB133 uniform test procedure for softwood lumber.

NET-8 V Section 4.XX. Plywood and Wood-Based Structural Panels

Purpose:

Provide inspectors and industry with a HB133 uniform test method for Plywood and Wood-Based Structural Panels.

**DEVELOPING, ASSIGNED or INFORMATIONAL**

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

B1: PAL-1 D Handbook 130, Uniform Packaging and Labeling Regulation, Section 2.8. Multiunit Package

Purpose:

Eliminate conflicts between the UPLR and Federal Trade Commission (FTC) regulation for multiunit packages cited in 16 CFR 500.27.

B1: NET-1 D Handbook 133: Section 1.2.4. Maximum Allowable Variation

Purpose:

Amend language regarding the total quantity declaration on multiunit or variety packages, when the MAV may need to be recalculated based on the Total Quantity MAV.

B1: NET-2 D Handbook 133, Sections 2.1. Scope, 3.1. Scope, 4.1. Scope and 2.3.7.1. Maximum Allowable Variation (MAV) Requirement

Purpose:

With the adoption of NIST Handbook 133, Chapter 5. Specialized Test Procedures this item clarifies the language within NIST Handbook 133.

B1: NET-3 D Handbook 133, Create a Chapter 5. Specialized Test Procedures

Purpose:

Create new chapter in NIST Handbook 133 that has specialized test procedures to verify the inner contents of multiunit and variety packages.

B1: NET-10 D Handbook 133, Appendix F. Glossary

Purpose:

This will add definitions for language being placed into a NIST Handbook 133 regarding multiunit packages.

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

B3: FLL-1 A Section 8. Prohibited Acts

B3: MOS-4 A Section 2.33. Oil

B3: FLR-5 A Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits.

Purpose:

Provide information to protect consumers from purchasing obsolete motor oils that can harm modern engines.

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

MOS-1 A Various Sections within the Method of Sale of Commodities, Background and Section 2. and create a Section 3. MOS for Fuels, Lubricants and Automotive Products

Purpose:

This proposal is to harmonize the method of sale for kerosene between the Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation.

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

POL-2 D Section 2.6.XX. Methods of Sale for Packages of Consumer Commodities – Federal Trade Commission (FTC) and Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration (FDA).

Purpose:

Provide NIST HB130 users with easy access to tables to identify the method of sales prescribed by the Federal Trade Commission (FTC) for products subject to that agency’s regulation and the acceptable common or usual declarations permitted to appear on packages of food by the Food and Drug Administration.

**NET – HANDBOOK 133**

NET-9 D Recognize the Use of Digital Density Meters

Purpose:

Allow the use of digital density meters for package checking testing of viscous fluids such as motor oils, diesel exhaust fluid (DEF), and antifreeze.

**WITHDRAWN**

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

MOS-9 W Section 2.37. Pet Treats or Chews

Purpose:

To strike the requirements in the Method of Sale of Commodities, Section 2.37 Pet Treats or Chews at the earliest possible time to avoid disruption of interstate commerce.

MOS-10 W Section 2.37. Pet Treats or Chews

Purpose:

To revise NIST Handbook 130, Method of Sale of Commodities, Section 2.37. Pet Treats or Chews and seek to find a practicable solution that is permissible in the current animal food regulatory framework.

**ODR – UNIFORM OPEN DATING REGULATION**

ODR-1 W Section 1. Purpose, Scope and Application, Prohibited and Acceptable Terms, Section 2. Definitions, Section 3. Sale of Perishable Food and Date Determination, Section 4. Sale of Semi Perishable and Long Shelf Life Food with “BEST If Used By” Opening Date., Section 5. Placement of the “USE By” or “BEST If Used by Date, Section 6. Factors for the Date Determination of “USE By” or BEST If Used By” Dates, Section 7. Records., Section 8. Exemptions, Section 9. Preemption of Local, County, and Municipal Ordinance and Section 10. Effective Date

Purpose:

Improve the accuracy and usability of open dating information resulting in financial savings for consumers and industry alike.

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

FLR-8 W Section 3.2.5. Prohibition of Terms

Purpose:

Provide consistency among motor fuel dispensing facilities on the terms used for branding and advertising of ethanol blends greater than 10% so consumers can make informed decisions regardless of the fuel supplier.

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**POL – NCWM POLICY, INTERPRETATIONS AND GUIDELINES**

POL-1 W Section 2.3.2. Fresh Fruits and Vegetables

Purpose:

Allow the sale of sweet potatoes and yams by count.

OTH – OTHER ITEMS

OTH-1 D Fuels and Lubricants Subcommittee

Purpose:

Update the Uniform Fuels and Automotive Lubricants Regulation in NIST Handbook 130 including major revisions to fuel ethanol specifications. Another task will be to update the Basic Engine and Fuels, Petroleum Products, and Lubricants Laboratory Publication.

OTH-2 D Packaging and Labeling Subcommittee

Purpose:

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