

## **CWMA Laws and Regulations (L&R) Committee 2020 Interim Meeting Report**

Mr. Doug Musick, Committee Chair  
Kansas

### **INTRODUCTION**

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

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

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**Subject Series List**

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

**Table A  
Table of Contents**

| <b>Reference Key</b>   | <b>Title of Item</b>  | <b>L&amp;R Page</b> |
|--|---|---------------------|
| <b>ITEM BLOCK 1 (B1) V</b>   | <b>HB 130, UPLR, SEC. 2.8. MULTIUNIT PACKAGE. HB 133 MODIFY “SCOPE” FOR CHAPTERS 2 – 4, ADD A NOTE FOLLOWING SECTIONS 2.3.7.1. AND 2.7.3., CREATE A CHAPTER 5. SPECIALIZED TEST PROCEDURES AND HB133 APPENDIX F. GLOSSARY.....</b>  | <b>6</b>            |
| <b>PAL – UNIFORM PACKAGING AND LABELING REGULATION.....</b>                |   | <b>6</b>            |
| PAL-21.1 V   | Section 11.XX. Bacon .....  | 6                   |
| <b>MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES.....</b> |   | <b>7</b>            |
| MOS-20.3 V   | Section 2.XX. Diesel Fuel .....   | 7                   |
| MOS-20.5 V   | Section 2.21. Liquefied Petroleum Gas .....   | 7                   |
| <b>FLR - UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION .....</b>      |   | <b>8</b>            |
| FLR-20.5 W   | Section 2.1.2.(a). Gasoline-Ethanol Blends .....  | 8                   |
| FLR-21.1 W   | Section 4.4. Product Storage and Dispenser Identification .....   | 9                   |
| <b>ITEM BLOCK 5 (B5) V</b>   | <b>METHOD OF SALE &amp; FUELS AND AUTOMOTIVE LUBRICANTS REGULATIONS – BACKGROUND INFORMATION.....</b>   | <b>10</b>           |
| <b>ITEM BLOCK 6 (B6) A</b>   | <b>TRANSMISSION FLUID.....</b>  | <b>10</b>           |
| <b>ITEM BLOCK 2 (B2) V</b>   | <b>TRACTOR HYDRAULIC FLUID .....</b>  | <b>11</b>           |
| <b>ITEM BLOCK 7 (B7) V</b>   | <b>TRACTOR HYDRAULIC FLUID .....</b>  | <b>14</b>           |
| <b>ITEM BLOCK 3 (B3)</b>   | <b>FUELS &amp; AUTOMOTIVE LUBRICANTS INSPECTION LAW, SECTION 8. PROHIBITED ACTS. METHOD OF SALE, SECTION 2.33. OIL. FUELS &amp; AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR OIL), 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS.....</b>                                       | <b>14</b>           |
| <b>ITEM BLOCK 4 (B4) A</b>   | <b>METHOD OF SALE REGS., SECTION 2.20.2. DOCUMENTATION FOR DISPENSER LABELING PURPOSES, FUELS &amp; AUTOMOTIVE LUBRICANTS REG. SECTION 1.23. ETHANOL FLEX FUEL, 2.1.2.(B) GASOLINE-ETHANOL BLENDS, AND SECTION 3.2.5. DOCUMENTATION FOR DISPENSER LABELING PURPOSES .....</b> | <b>17</b>           |
| <b>NET – HANDBOOK 133 .....</b>  |   | <b>17</b>           |
| NET-16.1 A   | Section 3.X. Recognize the Use of Digital Density Meters .....  | 17                  |
| NET-20.2 D   | Section 4.5. Polyethylene Sheeting, Bags and Liners .....   | 18                  |
| <b>OTH – OTHER ITEMS .....</b>   |   | <b>18</b>           |
| OTH-07.1 D   | Fuels and Lubricants Subcommittee .....   | 18                  |
| OTH-11.1 D   | Packaging and Labeling Subcommittee .....   | 19                  |

**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              | OWM            | Office of Weights and Measures                 |
| CWMA           | Central Weights and Measures Association | PALS           | Packaging and Labeling Subcommittee            |
| FALS           | Fuels and Lubricants Subcommittee        | S&T            | Specifications and Tolerances                  |
| FDA            | Food and Drug Administration             | SAE            | SAE International                              |
| FPLA           | Fair Packaging and Labeling Act          | SWMA           | Southern Weights and Measures Association      |
| FTC            | Federal Trade Commission                 | UPLR           | Uniform Packaging and Labeling Regulation      |
| HB             | Handbook                                 | USNWG          | U.S. National Work Group                       |
| L&R            | Laws and Regulations                     | WWMA           | Western Weights and Measures Association       |

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

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

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

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

| <b>ITEM BLOCK 1</b>  |
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| <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<br/><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<br/><i>(To be developed by source of the proposal)</i></li> <li><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br/><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<br/><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>Ms. Lisa Warfield (NIST), commented that this item has been on the agenda since 2019. She said that during development of this item, the only input received was a comment regarding the term multi-unit retail, which NIST does not object to. She explained that federal agencies have different definitions for the term “multi-unit.” She wants to get any additional feedback to be sure the language is clear, concise and fully vetted. The Committee believes this item is fully developed and is ready for Voting status.</p>  |

**PAL – UNIFORM PACKAGING AND LABELING REGULATION**

**PAL-21.1 V Section 11.XX. Bacon**

| <b>PAL-21.1</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<br/><i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> </ul> |

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|---|
| <input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda<br><i>(To be developed by source of the proposal)</i><br><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br><i>(In the case of new proposals, do not forward this item to NCWM)</i><br><input type="checkbox"/> No recommendation from the region to NCWM<br><i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>  |
| <p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>Ms. Lisa Warfield (NIST) commented that this item is intended to reaffirm that UPLR Section 11.19. Margarine should have the same language that was accepted by NEWMA, which will align language with USDA’s CFR. The Committee discussed the option of adding Section 11.19. Margarine to the Item title above and suggests that the National L&amp;R Committee change the title to reflect the change below for Section 11.19. Margarine. Based on Committee discussion, the item is fully developed and ready for Voting status.</p> <p><b><u>11.XX. Bacon – Bacon packaged as sliced shingles in rectangular packages shall be exempt from the requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity declaration. The statement of net quantity shall appear in a clear and conspicuous manner on the principal display panel. (see 9 CFR 317.2)</u></b></p> <p><b>11.19 Margarine.</b> – Margarine in 1 lb rectangular packages, except for packages containing whipped or soft margarine or packages, containing more than four sticks, shall be exempt from the requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity. <b><u>The statement of net quantity shall appear in a clear and conspicuous manner on the principal display panel. (see 9 CFR 317.2)</u></b></p> |

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

**MOS-20.3 V Section 2.XX. Diesel Fuel**

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| <b>MOS-20.3</b>  |
| <p><b>Regional recommendation to NCWM on item status:</b></p> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda<br><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda<br><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda<br><i>(To be developed by an NCWM Task Group or Subcommittee)</i><br><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda<br><i>(To be developed by source of the proposal)</i><br><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br><i>(In the case of new proposals, do not forward this item to NCWM)</i><br><input type="checkbox"/> No recommendation from the region to NCWM<br><i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i> |
| <p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>No comments were heard during open hearing. The CWMA L&amp;R Committee believes this item is fully developed and ready for Voting status.</p>   |

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

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| <b>MOS-20.5</b>   |
| <p><b>Regional recommendation to NCWM on item status:</b></p> |

- 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. Charlie Stutesman (Kansas) commented that if this requires a temperature compensation meter, Handbook 44 exempts meters with a capacity of 20 gallons per minute or less and wonders if that would create an inconsistency between NIST Handbooks 44 and 130. Ms. Lisa Warfield (NIST) commented that the submitter asked that this item move forward through the regions for consideration. She further stated NIST believes the language in the two handbooks does not conflict. Mr. Loren Minnick (Kansas) commented that Handbook 44, Section S 2.8. does not conflict. Mr. Stutesman asked for clarification regarding whether this would force meters without temperature compensation to require them to be installed. Ms. Warfield further commented that the reason this item was developed is to provide consistency for the method of sale. Mr. Ivan Hankins (Iowa) commented that he also wonders if there is a conflict between the handbooks. Mr. Stutesman lastly commented that he believes that Handbook 130 indicates that states shall require temperature compensation, and Handbook 44 indicates that states may have but are not required to have temperature compensation meters, and whether this should be a jurisdictional issue depending on which handbooks are adopted in states. Ms. Warfield reminded members to review the background information on this issue. Mr. Stephen Peter (Wisconsin) asked how if this item is adopted, there should be lead time – possibly 2030 – to allow time for compliance. The Committee discussed the implementation date should be five years from the date of adoption. The Committee requests that the NCWM S&T Committee to consider the implications of passing this item as it relates to requiring temperature compensation on all meters. The Committee believes that the item is fully vetted in terms of its technical content and therefore recommends it become a Voting item.

During the Committee’s work session, Ms. Warfield indicated that metric terms are not included in the language and suggests that they be included as highlighted below.

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

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

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

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

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| <b>FLR-20.5</b>  |
| <b>Regional recommendation to NCWM on item status:</b> |

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| <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda<br><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda<br><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda<br><i>(To be developed by an NCWM Task Group or Subcommittee)</i><br><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda<br><i>(To be developed by source of the proposal)</i><br><input checked="" type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br><i>(In the case of new proposals, do not forward this item to NCWM)</i><br><input type="checkbox"/> No recommendation from the region to NCWM<br><i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>  |
| <p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>Mr. Prentiss Searles (API) commented that this item adds back and updates the waiver limitations that were provided in the 2019 version of NIST Handbook 130. The 2019 version specified the range of a gasoline-ethanol blend that was granted the 1-psi waiver as “containing 9 to 10 volume percent ethanol.” In June 2019, the U.S. EPA extended the range to 15 volume percent ethanol and during last year’s annual meeting (July 2019), a vote to adopt that modification was made and the applicable range of the waiver was lost. This proposal adds the range for the waiver of 9 to 15% ethanol back in the text. This proposed change realigns NIST Handbook 130 with the language that was there before, is unambiguous and provides necessary contextual information to the user of the Handbook. Having this information available is consistent with the labeling requirements in the NIST Handbook that refer to E15.</p> <p>Mr. Charlie Stutesman (Kansas) commented he prefers to leave the NIST Handbook 130 as it is with reference language rather than specifics. He believes the item is ready for voting status.</p> <p>Mr. Chuck Corr (Iowa Renewable Fuels Association) commented that if Handbook 130 is amended to include all the federal rules, it would become too lengthy to be useful for field inspectors.</p> <p>Ms. Beverly Michaels (BP) commented that she believes this reference is important to include in NST Handbook 130 and should be amended as presented by API. She believes a lack of specificity in the NIST Handbook could be problematic and confusing for those in the field. Regardless of members’ positions on the topic, the item has been fully vetted and is ready for voting status.</p> <p>Mr. Mike Harrington (Iowa) commented that he heard from many industry representatives and constituents that it would be best to leave the Handbook as a general reference to EPA language. He believes the item should be withdrawn.</p> <p>The Committee discussed the question of publishing protocols passed recently by the membership that references other documents without specific numbers cited in NIST Handbook 130. Another point that was made was that the industry is rapidly changing, and it is difficult to keep pace in the Handbook as changes happen in the referenced materials. Based on these points, the CWMA L&amp;R Committee recommends this item be Withdrawn.</p> |

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

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| <p><b>FLR-21.1</b></p>   |
| <p><b>Regional recommendation to NCWM on item status:</b></p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda<br><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda<br><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda<br><i>(To be developed by an NCWM Task Group or Subcommittee)</i><br><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda<br><i>(To be developed by source of the proposal)</i><br><input checked="" type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda |



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| <p><i>(In the case of new proposals, do not forward this item to NCWM)</i></p> <p><input type="checkbox"/> No recommendation from the region to NCWM<br/><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. Charlie Stutesman (Kansas) recommends this item be withdrawn. While regulators inspect the inside of a cabinet, identifying supply lines neither impedes nor helps with inspections. He believes this is unnecessary. The term “non-retroactive” does not appear anywhere else in NIST Handbook 130 but instead uses an implementation date. Mr. Prentiss Searles (API) commented that he believes this item would be difficult to implement especially at the manufacturing level and should be withdrawn. He suggested this item might be more appropriate as a best practice.</p> <p>Mr. John Albert (Missouri) commented that he concurs the item should be withdrawn. Ms. Kristy Moore (Growth Energy) commented that API RP1637 did not include many ethanol blends for decades, and she does not believe regulations should be implemented that require a purchase of a resource. She agrees that the item should not move forward at this time without consideration that API RP1637 did not include ethanol blends for a long time. Mr. Doug Rathbun (Illinois) recommends the item be withdrawn. Mr. Searles commented that the API publication listed above (“Recommended Practice 1637, Using the API Color-Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals”) is available for anyone to review online through the API reading room. Based on the discussions heard during open hearings and during the work session, the Committee recommends this item be Withdrawn.</p> |

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

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

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

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| <p><b>ITEM BLOCK 5</b></p>  |
| <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<br/> <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda<br/> <input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda<br/> <i>(To be developed by an NCWM Task Group or Subcommittee)</i><br/> <input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda<br/> <i>(To be developed by source of the proposal)</i><br/> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br/> <i>(In the case of new proposals, do not forward this item to NCWM)</i><br/> <input type="checkbox"/> No recommendation from the region to NCWM<br/> <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>Ms. Lisa Warfield (NIST) commented that this item is fully developed and ready for voting status. Mr. Chuck Corr (Iowa Renewal Fuels Association) commented that he agrees that the item is ready for voting status.</p> <p>The CWMA L&amp;R Committee recommends this item for a Voting status.</p>   |

**ITEM BLOCK 6 (B6) TRANSMISSION FLUID**

B6: MOS-21.1 A Section 2.36.2. Labeling and Identification of Transmission Fluid  
 B6: FLR-21.2 A Section 3.14.1. Labeling and Identification of Transmission Fluid

| <b>ITEM BLOCK 6</b>   |
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| <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<br/> <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<br/> <i>(To be developed by source of the proposal)</i></li> <li><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br/> <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<br/> <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>Ms. Joanna Johnson (Automotive Oil Change Association) commented that this item should remain a developing item. There are several facets of this item that require further discussion. engine oil and transmission fluid terminology is not necessarily consistent. Automakers have no history using this type of language for transmission fluid and wants to work with other stakeholders to develop language for consumer protection as the submitter intended. Mr. Aaron Lowe (Auto Care Association) representing auto part chains, agrees with Ms. Johnson and supports the general idea but needs more study. An average age for cars on the road currently is twelve-years and more study needs to be done to develop language. Mr. Jeff Harmening (API) concurs with the above-mentioned comments. Mr. Charlie Stutesman (Kansas) commented that this item has merit and should move forward as a developing item. Mr. Ron Hayes (Missouri) regulator and submitter of this item commented that this item is intended to give consumer guidance similar to other equipment fluids. He intends to continue to work with industry on this item including developing a list of obsolete oils. Mr. Jeff Leiter (ILMA) submitted written comments that were reviewed by the Committee. Ms. Lisa Warfield (NIST) asked if the submitter wishes the item to be considered through FALS. Mr. Hayes agrees that the item is developing and should be assigned to FALS for further review and consideration. Based on discussions during open hearings and the Committee work session, the Committee recommends the item become an Assigned item and be referred to FALS through the NCWM L&amp;R Committee.</p> |

**ITEM BLOCK 2 (B2)                      TRACTOR HYDRAULIC FLUID**

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

| <b>ITEM BLOCK 2</b>  |
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| <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<br/> <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<br/> <i>(To be developed by source of the proposal)</i></li> <li><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br/> <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<br/> <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i></li> </ul> |

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

Mr. Jeffrey Harmening (API) commented that his organization supports this item moving forward with voting status.

Mr. Jeff Leiter representing ILMA submitted a letter of comments that was reviewed by the Committee.

Mr. Ron Hayes (Missouri) commented that he concurs with the proposed technical change of inserting “shall” to substitute for “should”. He also commented that package and labeling regulation exists in the NIST Uniform Packaging and Labeling Regulation that requires specific font sizes and references alternative language as shown below.

The Committee discussed and incorporated the critical substitution of “shall” for “should” in Item Block 7. Tractor Hydraulic Fluid and added those changes to this item. If this item is deescalated, the Committee’s intent is that this substitution should move forward when Block 7. Tractor Hydraulic Fluid is considered.

Based on the discussion held in the CWMA L&R Committee work session, the Committee believes that modifications are editorial in nature. The Committee requests that the submitter review the modified language below. The Committee believes this item should remain at voting status with these recommended changes in the following sections:

**MOS 20.1. Section 2.39 Tractor Hydraulic Fluid**

**2.39.2.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid shall be labeled with the following:

- (e) any obsolete equipment manufacturer specifications ~~should~~ **shall** be clearly identified as “obsolete” and accompanied by the following warning on the ~~front package label principle display panel in conspicuous and clearly legible font size and color in accordance with 16 CFR. 1500.121(c)(2)(i) and (ii); in accordance with NIST Handbook 130 Uniform Packaging and Labeling Regulation, Section 8 Prominence and Placement: Consumer Packages and Section 9 Prominence and Placement: Non-Consumer Packages:~~

**Caution:** Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using this product in applications in which it is not intended.

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

**2.39.2.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:

- (e) any obsolete equipment manufacturer specifications ~~shall~~ **should** be clearly identified as “obsolete” and accompanied by the following warning ~~on the front package label with the information listed below; in a clear and conspicuous manner; and clearly legible font size and color:~~

**Caution:** Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it is not intended.

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

**2.39.2.3. Identification on Service Provider Documentation....**

- (e) any obsolete equipment manufacturer specifications **should shall** be clearly identified as "obsolete" and accompanied by the following warning **on the front package label in a clear and conspicuous manner: and clearly legible font size and color:**

**FLR 20.1. Section 3.17. Tractor Hydraulic Fluid**

**3.17.1.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid shall be labeled with the following:

- (e) any obsolete equipment manufacturer specifications **should shall** be clearly identified as "obsolete" and accompanied by the following warning on the ~~front package label~~ **principle display panel in conspicuous and clearly legible font size and color in accordance with 16 CFR, 1500.121(c)(2)(i) and (ii); in accordance with NIST Handbook 130 Uniform Packaging and Labeling Regulation, Section 8 Prominence and Placement: Consumer Packages and Section 9 Prominence and Placement: Non-Consumer Packages:**

**Caution:** Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using this product in applications in which it is not intended.

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

**3.17.1.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:

- (e) any obsolete equipment manufacturer specifications **should shall** be clearly identified as "obsolete" and accompanied by the following warning **on the front package label with the information listed below: in a clear and conspicuous manner: and clearly legible font size and color:**

**Caution:** Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it is not intended.

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

**3.17.1.3. Identification on Service Provider Documentation....**

- (e) any obsolete equipment manufacturer specifications **should shall** be clearly identified as "obsolete" and accompanied by the following warning **on the front package label in a clear and conspicuous manner: and clearly legible font size and color**

**Caution:** Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it is not intended.

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

**ITEM BLOCK 7 (B7) TRACTOR HYDRAULIC FLUID**

B7: MOS-21.2 V Section 2.39.2. Labeling and Identification of Tractor Hydraulic Fluid  
 B7: FLR-21.3 V Section 3.17.1. Labeling and Identification of Tractor Hydraulic Fluid

**ITEM BLOCK 7**

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

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

L&R Chairperson Doug Musick commented that the recommended language for Block 2. Tractor Hydraulic Fluid includes these changes (“should” to “shall”). Mr. Ron Hayes (Missouri) commented that this language change is important, and he wants this item to move forward in case the items in Block 2. Tractor Hydraulic Fluid are not adopted. Mr. Jeff Harmening (API) commented that he supports this item moving forward as a voting item. Mr. Charlie Stutesman (Kansas) commented that he believes these changes are appropriate and supports this item moving forward as a voting item. He further stated that if these changes are included in Block 2. Tractor Hydraulic Fluid, he wants to ensure that this language change be a priority regardless if all of Block 2 passes or not. Ms. Lisa Warfield (NIST) commented that the Block 2 item is on the NCWM Annual Meeting agenda and will be determined prior to this item’s consideration. Mr. Hayes commented that this item should have voting status. Ms. Warfield commented that if Block 2 doesn’t move forward in entirety, the some changes in this item could still pass if the National only moved forward the language they felt would be adopted. Based on the discussions held during open hearings and Committee work session, the recommendation for this item is to become a Voting item.

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

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

**ITEM BLOCK 3**

**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. Jeffrey Harmening (API) commented that his organization supports the modifications in general, but has a recommendation that Sections 2.33.1.3.2. and 3.13.1.3.2. Inactive or Obsolete Service Categories (both sections) be revised to include the list of organizations and specifications listed in 2.33.1.3. and 3.13.1.3. Engine Service Category (both sections) to minimize the potential for improper use in engines.

Mr. Charlie Stutesman (Kansas) commented that he agrees that the NCWM L&R Committee consider this be downgraded so that API’s concept can be fully vetted. He believes it makes a great deal of difference whether the new language references only the API service category or other organizations and specifications.

Another concept received from Mr. Jeff Leiter, ILMA (the original submitter) is to reinstate the last sentence of the section: *If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies.* The Committee considered these changes and had a very comprehensive discussion regarding 1) which proposal would best address the concerns of the industry, and 2) if the concept of either proposal had been vetted enough to allow the item to move forward with voting status. The Committee opted to provide both concepts to the NCWM L&R Committee to further vet both proposals. Consequently, the CWMA L&R Committee opts to not make a specific recommendation.

**API Revision (Concept 1):**

**2.33.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, Appendix A, Whenever the any vehicle engine (motor) oil in the a container, receptacle, dispenser, storage tank, or in bulk does not meet an active API service category as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy Conserving”).” API Publication 1509, “Engine Oil Licensing and Certification System,” European Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine Manufacturer standards as approved in Section 2.33.1.3.1., the front or forward facing-label of such vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary statement set forth in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil is declared obsolete by a vehicle or engine manufacturer, the front or forward-facing label of such vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary statement required by the vehicle or engine manufacturer. If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies.~~

(Amended 2014 and 20XX)

**3.13.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, “Engine Oil~~

~~Performance and Engine Service Classification (Other than “Energy Conserving”)” Appendix A, Whenever the any vehicle engine (motor) oil in the a container receptacle, dispenser, storage tank or in bulk does not meet an active API service category as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy Conserving”),” API Publication 1509, “Engine Oil Licensing and Certification System,” European Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine Manufacturer standards as approved in Section 2.33.1.3.1.,” the front or forward-facing label If a of such vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser or storage tank shall bear the plainly-visible cautionary statement set forth in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil is declared obsolete by a vehicle or engine manufacturer, the front of forward-facing label of such vehicle engine (motor) oil container, receptacle, dispenser or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible cautionary statement required by the vehicle or engine manufacturer.~~

(Added 2012) (Amended 2014 and 20XX)

**ILMA Revision (Concept 2):**

~~2.33.1.3.2. Inactive or Obsolete Service Categories. —The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, Appendix A, Whenever the any vehicle engine (motor) oil in the a container, receptacle, dispenser, storage tank, or in bulk does not meet an active API service category as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy Conserving”),” the front or forward facing-label of such vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary statement set forth in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil is declared obsolete by a vehicle or engine manufacturer, the front or forward-facing label of such vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary statement required by the vehicle or engine manufacturer. If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies. (Reinstate the last sentence).~~

(Amended 2014 and 20XX)

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

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

| <b>ITEM BLOCK 4</b>  |
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| <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<br/><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<br/><i>(To be developed by source of the proposal)</i></li> <li><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br/><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<br/><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>Charlie Stutesman, Kansas commented that he believes this item should continue to develop through FALS. Kristy Moore, Growth Energy believes this item should be withdrawn. She does not believe EPA regulations should appear in Handbook 130. The Committee recommends this item remain Assigned to FALS.</p>   |

**NET – HANDBOOK 133**

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

| <b>NET-16.1</b>  |
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| <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<br/><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<br/><i>(To be developed by source of the proposal)</i></li> <li><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br/><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<br/><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>  |



Mr. Ron Hayes (original submitter from Missouri) commented that he has updated language that identifies a few additional test fluids to obtain better precision (see attached document). He is also incorporating recommendations from David Sefcik (NIST). He still needs to convert the density meter table into a usable format for regulators. Currently he is waiting for an additional instrument to finish the method. Ms. Lisa Warfield (NIST) commented that there are concerns with this test procedure, particularly the lack of a step-by-step procedure. She also commented that the method should be developed to use with different devices manufactures rather than just one. She appreciates continued collaboration with Missouri. Mr. Charlie Stutesman (Kansas) commented that he believes the item should be assigned to a task group to allow for more expedient development and inclusion of other devices. Mr. Hayes further commented that the method is not specific to a single device and is intended to be used for any manufacturer that meets the technical specifications. He is also taking photos to illustrate steps on how to complete the testing. Ms. Warfield agrees a work group might help finalize this method. Mr. Don Onwiler (NCWM) commented that a working group needs to be appointed by the NCWM Chairperson. Mr. Hayes, submitter, agrees the item should be moved to Assigned status. The Committee recommends that the NCWM L&R Committee consider the creation of a new task group and include a technical advisor from NIST, as well as leave the item as Assigned.

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

| <b>NET-20.2</b>  |
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| <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 type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda<br/><i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM agenda<br/><i>(To be developed by source of the proposal)</i></li> <li><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br/><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<br/><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. Lisa Warfield (NIST) commented that she reached out to Mr. Mike Sikula and Mr. Jim Willis (submitter and New York State) and recommended that they reach out to the D20 ASTM Committee for further review on this item. Mr. Loren Minnick, Kansas regulator believes there is a word missing between the word “of” and “thickness” there should be a verb. Ms. Warfield checked and indicated the word “measuring” should be inserted. Based on comments heard during the open hearing, the Committee believes the item should remain as a Developing item.</p>   |

**OTH – OTHER ITEMS**

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

| <b>OTH-07.1</b>  |
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| <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 type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda<br/><i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> </ul> |

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| <input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda<br><i>(To be developed by source of the proposal)</i><br><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br><i>(In the case of new proposals, do not forward this item to NCWM)</i><br><input type="checkbox"/> No recommendation from the region to NCWM<br><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>   |
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**OTH-11.1      D      Packaging and Labeling Subcommittee**

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| <b>OTH-11.1</b>   |
| <b>Regional recommendation to NCWM on item status:</b>  |
| <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda<br><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda<br><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda<br><i>(To be developed by an NCWM Task Group or Subcommittee)</i><br><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda<br><i>(To be developed by source of the proposal)</i><br><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda<br><i>(In the case of new proposals, do not forward this item to NCWM)</i><br><input type="checkbox"/> No recommendation from the region to NCWM<br><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>  |
| Mr. Chris Guay (Chairman PALS) indicated that the Subcommittee had not met for a few months due to COVID, but is reconvening in November.   |
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Mr. Doug Musick, Kansas | Committee Chair  
 Mr. Jay Garbe, Wisconsin | Member  
 Mr. Mike Harrington, Iowa | Member  
 Ms. Rebecca Richardson, National Biodiesel Board | AMC Representative  
 Mr. Doug Rathbun, Illinois | NCWM Representative

**Laws and Regulations Committee**