

Executive Summaries from the NIST OWM Analysis of the 2023 NCWM Laws and Regulations (L&R) Annual Meeting Agenda

The NIST OWM Executive Summary is extracted from the NIST OWM Analysis. This provides the NIST OWM community with high level points that summarize the technical aspects and recommendations for the Item Under Consideration. The full NIST OWM Analysis can be viewed at <https://www.nist.gov/pml/owm/publications/owm-technical-analysis>. NIST OWM offers these comments and recommendations based upon information and input available as of the date of this report.

Language 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*.

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Subject Series List - Laws and Regulations Committee

Handbook 130 – General	GEN Series
Uniform Laws	
Uniform Weights and Measures Law	WAM Series
Uniform Weighmaster Law	WMR Series
Uniform Fuels and Automotive Lubricants Inspection Law	FLL Series
Uniform Regulations	
Uniform Packaging and Labeling Regulation	PAL Series
Uniform Regulation for the Method of Sale of Commodities	MOS Series
Uniform Unit Pricing Regulation	UPR Series
Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices	RSA Series
Uniform 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

Table of Contents

WML - Uniform Weights and Measures Law4
 NIST OWM Executive for WML-23.1 – Section 10. Certificate: Required Entries..... 4

MOS – Uniform Regulation for the Method of Sale of Commodities4
 NIST OWM Executive for MOS-23.1 Section 1.12. Ready-to-Eat Food, 1.12.2. Methods of Sale. 4
 NIST OWM Executive for MOS-20.5 – Section 2.21. Liquefied Petroleum Gas 4
 NIST OWM Executive for MOS-23.4 – Retail Sales of Electricity Sold as a Vehicle Fuel..... 5

UPR – Uniform Unit Pricing Regulation.....6
 NIST OWM Executive for UPR-23.1 – Section 2. Terms for Unit Pricing. 6

FLR – Uniform Fuels and Automotive Lubricants Regulation7
 NIST OWM Executive for FLR-23.3 Section 2.20. Hydrogen Fuel 7
 NIST OWM Executive for FLR-23.4. – Section 4.3. Dispenser Filters 7

NET – Handbook 133: Checking the Net Content of Packaged Goods8
 NIST OWM Executive for NET-22.1 – HB133, Section 1.2.6. Deviations Caused by Moisture Loss or Gain and Section 2.3.8. Table 2-3 Moisture Allowances..... 8

Item Block 2 (B2)Gasoline.....9
 B2: MOS-23.2 V Section 2.20 Gasoline and Gasoline-Oxygenate Blends .. **Error! Bookmark not defined.**
 B2: FLR-23.2 V Sections 2.1. Gasoline-Oxygenate Blends, 3.2. and Automotive Gasoline and Automotive Gasoline-Oxygenate Blends (Including Racing Gasoline).....**Error! Bookmark not defined.**
 NIST OWM Executive for Item Block 2 (B2) – Gasoline 9

Item Block 3 (B3)Cannabis.....9
 NIST OWM Executive for Block 3. (B3) – Cannabis..... 9

Item Block 4 (B4)E-commerce12
 NIST OWM Executive for Item Block 4 (B4) E-commerce.....12

Item Block 6 (B6)Transmission Fluid22
 NIST OWM Executive for Section Item Block 6 (B6) – Transmission Fluid22

WML - Uniform Weights and Measures Law

NIST OWM Executive for WML-23.1 – Section 10. Certificate: Required Entries

NIST OWM Recommendation: OWM believes this item is fully developed and ready for Voting status.

- This adds a “Note” to Section 10 to inform the user that electronic signatures are acceptable if a State has a digital signature statute
- OWM has learned that 49 states, the District of Columbia, U.S. Virgin Islands have adopted the UETA most states adopt the Uniform Electronic Transactions Act (UETA <https://www.uniformlaws.org/home>) which promotes the use of electronic signatures. New York has not adopted UETA but has enacted a similar statute.

MOS – Uniform Regulation for the Method of Sale of Commodities

NIST OWM Executive for MOS-23.1 Section 1.12. Ready-to-Eat Food, 1.12.2. Methods of Sale.

NIST OWM Recommendation: OWM does concur with the latest Item under consideration and believes the striking the words “packed or” adds clarity to the submitters original issue. OWM believes this item is fully developed and ready for Voting

NIST OWM Executive for MOS-20.5 – Section 2.21. Liquefied Petroleum Gas

NIST OWM Recommendation: OWM recommends this as a Voting Item with the following changes.

- Since 1986, the method of sale requires selling LPG based on 60 °F (15.6 °C) and applies to all sales. Although the existing language references a value of “15.6 °C” for temperature determinations in metric units, according to the current industry practice for sales of petroleum products, the reference temperature for sales in metric are based on 15 °C rather than the exact conversion from 60 °F (which is 15.6 °C). Thus, the temperature reference in metric should be 15 °C.
- LPG has an inherently high thermal expansion of up to 0.4 % per 1 °C (2 °F). This means it changes by about 1 % in volume for every 3 °C or 5 °F change in temperature. The volume and density of the product varies significantly with temperature and pressure.
- There are several formatting issues and missing terms that had appeared in past reports but are not reflected in 2023 Publication 16. (See the OWM Detailed Analysis for specifics).
 - In 2.21.1. The title “**Method of Sale**” requires a bold/underscore
 - Within Section 2.21.1. Method of Sale. OWM recommends striking the last line that states –“If kept, offered, exposed for sale, or sold by:” This same language appears within the first line of the regulation.

NIST OWM Executive for MOS-20.5 – Section 2.21. Liquefied Petroleum Gas

- In 2.21.1.(a) the following words should be reflected in bold/underscore “**(a) Weight by the kilogram or**” and “**; or by**”
- In 2.21.1.(b). the following words should be reflected in bold/underscore “**(b) Gas**” and in front of the words “meter cubic” the word “or” should be shown as “**; or**”.
- In 2.21.1.(b). the first “see Section 2.21. Note” does not appear in the NCWM report as bold/strikethrough. The “Note” was placed at the end of the sentence and should be noted with a bold/underscore.
- In 2.21.1.(b) the word “**or**” in front of the words “meter cubic” needs to be bold/underscore.
- In 2.21.1.(c) the words “**Liquid Volume**” needs to be reflected in bold/underscore.
- In 2.21.1.(c) liquid volume in the first sentence the word “**or**” should not be bold/underscore
- The words “***Section 21.1 Note***” should be bold.
- In Section 21.1 Note **ANSI B109.1 (2000)** needs to be bold/underscore. A “{” needs to appear before the word “For” in the title.
- In Section Note 21.1. The handbook language reflects “**~~First Edition 1974~~**” this should be added into the proposal with a bold/strikethrough.
- In Section Note 21.1. the word fore should be bold/strikethrough.
- In Section Note 21.1. the bracket before the word “Under” should be reflected in bold underscore, not a strikethrough.
- As the Committee considers the next steps for this item, OWM would ask that the Committee consider the new format (layout) as shown under the OWM Detailed Analysis of the existing language. This will provide clarity and is easier to read. If this item is not adopted, OWM does considers a format change to the existing language to be considered editorial and would move forth to apply the format to the next edition of HB130.

NIST OWM Executive for MOS-23.4 – Retail Sales of Electricity Sold as a Vehicle Fuel

NIST OWM Recommendation: OWM believes this item is fully developed and ready for Voting status.

- The Joule unit of measurement is not in use for this commercial application. This will align with the USNWG recommendation to delete all references in NIST HB44 to the megajoule, as well as align NIST HB130.

NIST OWM Executive for MOS-23.4 – Retail Sales of Electricity Sold as a Vehicle Fuel

- The proposal aligns the unit of measurement recognized for electrical energy vehicle fueling equipment in corresponding legal metrology requirements in NIST Handbooks 44 and 130 by removing all reference to “joule.”
- The “joule” unit of measurement is not recognized for electrical energy in corresponding OIML R 46 *Active electrical energy meters* and the recently published OIML Guide 22 Electrical vehicle supply equipment standard.
- NIST OWM acknowledges that removing the “megajoule (MJ)” unit of measurement from the handbook does not conform to the practice in place for applying the concept of primary use of SI (metric) measurements. However, it appears that the trade practice is limited to use of the kilowatt-hour unit of measurement. Should the delivery, displayed quantity, and advertised price of electrical energy move to expressions of quantity by the joule the handbook could be modified at that time to recognize that unit of measurement.

UPR – Uniform Unit Pricing Regulation

NIST OWM Executive for UPR-23.1 – Section 2. Terms for Unit Pricing.

NIST OWM Recommendation: OWM supports the recommended proposal with the following editorial change and then believes it is ready for Voting.

- The word “the” should be added before the word “net.” “Price per meter, decimeter, centimeter or price per yard, foot, or 100 feet, or inch, if **the** net quantity of contents of the commodity is in terms of length.”
- OWM supports the proposed change and recommends adding “100 feet” be added to the proposed language. The modified language would read, “Price per meter, decimeter, centimeter or price per yard, foot or 100 feet, or inch, if net quantity of contents of the commodity is in terms of length.”
- The Uniform Unit Pricing Regulation does not provide guidance for commodities sold by length. The terms recommended in the proposal have been in use in the marketplace for many years. Adding the proposed language will add clear guidance to the regulation and assist retailers with providing accurate and uniform unit pricing information to consumers.
- Making this change would be consistent with NIST SP 1181 Unit Pricing Guide, A Best Practice Approach to Unit Pricing.

FLR – Uniform Fuels and Automotive Lubricants Regulation

NIST OWM Executive for FLR-23.3 Section 2.20. Hydrogen Fuel

NIST OWM Recommendation: OWM recommends that this item either be returned to the Submitter or FALS for additional development.

- The weights and measures community recognizes for more than two decades a concerted effort in the hydrogen community to globally align related standards.
- Address the concerns raised about the proposal resulting in dual fuel quality standards in effect should there be a delay in the alignment process. What are the mechanisms in place for rapid alignment of the standards and the technical committee with oversight having the ability to recognize emerging test methods for the verification of constituent values?
- There should be clarification on whether specific portions of the ISO standard applicable to fueling road vehicles must be cited in the fuel specification requirement. What guidance is offered for that interim period when the SAE and ISO standards differ or what would occur if as a result of the standard review cycle if the hydrogen community is left with differing contaminant specifications where the standards cannot be aligned?

NIST OWM Executive for FLR-23.4. – Section 4.3. Dispenser Filters

NIST OWM Recommendation: OWM recommends that this item be assigned either back to the submitter or to FALS for additional development.

- The entire proposed new Section 4.3.3. Delivery of Hydrogen Gas should be in bold and underscored print and include an annotation at the end of the section to reflect the year the section was added to the handbook. **(Added 202X)**. (See Item under Consideration below)
- It appears that other properties should be considered in selecting a coalescing filter, such as, but not limited to the filter’s material compatibility, pressure ratings and type of dispenser.
- There are various methods of supplying hydrogen depending on whether the source was natural gas reformation, electrolysis of water, or whether it was shipped onsite in a liquid state, which all seem to determine the level of contamination of various liquids. In addition to those, there is the possibility that the equipment used to compress the gas might also be a source of liquid contaminants.
- OWM has concerns with what is size appropriate to the dispensing systems. This information should be clarified. The proposal specifies the selection of a “size appropriate” coalescing filter and does not specify any other properties or conditions for establishing the suitability of this type of filter in hydrogen gas dispensing systems.
- What is the current input on the proposal from hydrogen dispenser manufacturers, hydrogen car manufacturers, and owner/operators of dispensers produced and installed prior to 2022?

NET – Handbook 133: Checking the Net Content of Packaged Goods

NIST OWM Executive for NET-22.1 – HB133, Section 1.2.6. Deviations Caused by Moisture Loss or Gain and Section 2.3.8. Table 2-3 Moisture Allowances.

NIST OWM Recommendation¹: OWM recognizes the importance of this work and the progress the TG has made thus far. However, there are some significant issues that need to be addressed before this item is ready for adoption. OWM recommends the item remain Assigned to the Cannabis Task Group.

- The L&R Committee requested that the NCWM Cannabis TG follow NIST Handbook 130, NCWM, Interpretations and Guidelines Section 2.5.6. “Guidelines for NCWM Resolution of Requests for Recognition of Moisture Loss in Other Packaged Products” to establish the moisture allowances (loss and gain).
- OWM does not concur with adding a 3 % weight variance without study, documentation, and verification of results.
- The 3 % was assigned by the Cannabis TG; the TG based this value on other known commodities stated within NIST HB 133 Table 2-3 Moisture Allowance and to align with California regulations. The Cannabis Moisture Loss WG has not shared any moisture allowance data with the Cannabis TG or L&R Committee.
- OWM recognizes that there was only one member of the Cannabis TG Moisture Loss WG. We encourage other members to join this group, submit data, and reach consensus on bringing language forward to the L&R Committee. In 1988, NCWM Task Force developed the Guidelines for NCWM Resolution of Requests for the Recognition of Moisture Loss in Other Packaged Foods in NIST Handbook 130 NCWM Policy, Interpretations and Guidelines Section 2.5.6. we encourage the Cannabis Moisture Allowance TG to follow this guidance.
- They would need to conduct a nationwide scientifically valid study that reflects regional environment and seasonal changes in humidity. Any studies should also consider the different types of packaging into consideration. This needs to be for both moisture loss and moisture gain (as being proposed).
- Two key components, among others, for any industry in determining moisture loss include:
 1. having “real world” data on product as found in the retail marketing chain (not just laboratory moisture loss data) and
 2. collect data on industry-wide basis (rather than from only one or two companies).
- A modification to NIST Handbook 133 procedures will need to be submitted for consideration. Current procedures are written to guide inspectors only on applying a moisture allowance when a sample has a negative average error.
- OWM recommends that the state directors be surveyed (see OWM general comments on Block 3) to determine if they intend to have their inspectors take enforcement action on overweight packages of *cannabis*. If they do not implement this type of enforcement action for the reason, they doubt that the public or courts would find those cases justify prosecution, then the approach should probably not be added to NIST Handbook 133 and remain as guidance.

NIST OWM Executive for NET-22.1 – HB133, Section 1.2.6. Deviations Caused by Moisture Loss or Gain and Section 2.3.8. Table 2-3 Moisture Allowances.

¹ In contrast to hemp, marijuana remains a Schedule I substance under the Controlled Substances Act. NIST does not have a policy role related to the production, sale, distribution, or use of cannabis (including hemp and marijuana). NIST participates in the National Conference of Weights and Measures (NCWM) as part of NIST's statutory mission to promote uniformity in state laws, regulations, and testing procedures.

Item Block 2 (B2) Gasoline

NIST OWM Executive for Item Block 2 (B2) – Gasoline

NIST OWM Recommendation: OWM believes that clarification is needed 3.2.5.(b) that offers clarification as to what the submitter is recommending (appears below). OWM does concur with the recent June 28, 2023 submission to FALS for modifications to the language in the MOS 23.2 and FALS FLR-23.2. with the exception of Section 3.2.5.(b).

3.2.5. Product Transfer Document (PTD) Requirements

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(eb) Gasoline For fuels containing more than 0.3 % by volume methanol **a declaration** shall be identified as “with” or “containing” methanol.

(Added 2014) (Amended 2018 **and 20XX**)

Item Block 3 (B3) Cannabis

NIST OWM Executive for Block 3. (B3) – Cannabis

NIST OWM Recommendation¹: OWM recognizes the importance of this work and the progress the TG has made thus far. However, there are some significant issues that need to be addressed before this block of items is ready for adoption.

- NIST OWM is aware there is concern with the Effective date that the Committee modified to the Item Under Consideration. The Committee will need to determine whether this is a technical or editorial change. With due process applying we hope the Committee ensures that stakeholder feedback was received. We also note that the 2023 Spring Regional Reports for CWMA and NEWMA both supported the language moving forward as a vote with no modification to the date.
- OWM continues to encourage the Cannabis TG reach out to State Cannabis Commissions, Medicinal Programs, Health Departments, and other State Cannabis Regulatory authorities to

NIST OWM Executive for Block 3. (B3) – Cannabis

work collaboratively to develop language that is acceptable to all stakeholders. There are approximately 22 states that have labeling laws or regulations.

- Inform stakeholders of any developments by the TG, OWM recommends the TG provide a summary to appear in the NCWM Publications. It should be clarified if this TG reports to the NCWM L&R Committee or NCWM Board of Directors.

Form 15's submitted by the Cannabis TG include the following statements. OWM comments are included with each point.

- “W&M does not regulate quality. To the extent establishing an acceptable water activity range is monitoring quality, this is a positive by-product of monitoring equitable transactions, promoting health and safety and preventing diversion.”

OWM Comment: Weights and measures strives for equity in the marketplaces but has not been involved with the health and safety side of commodities.

- “Equipment cost. The additional cost of water activity meter(s) should not be prohibitive. It could be easily offset by the revenue that would be saved by preventing over drying and diversion and/or by fees collected. This could be accomplished by random testing of Cannabis flower throughout the manufacturing and distributions processes. It should also be noted that setting a water activity standard in the MOS does not establish testing requirements nor frequency of testing requirements.”

OWM Comment: Many states' package inspection activities are not fee-supported and would not be generating income by charging fees for services.

B3: PAL-22.2. – Section 10. Requirements, 10.XX. Cannabis and Cannabis-Containing Products

- OWM had previously noted our concerns with “*Cannabis*” being italicized. Is it a requirement that this term “Cannabis” appear an italics style for packaging and labeling requirements? If so, OWM recommends the Committee add the statement to (a)(2); “the term *Cannabis* shall appear in capitalization and italics style.” If it is not a requirement the capitalization and italics format must be removed to avoid confusion in labeling requirements. If the Committee believes that a change is required, they should provide an acceptable time for industry to redo their labeling. We do not concur that these labels are printed “on demand”.
- “Cannabis” has a known standard of identity; it is not necessary to add a definition to the handbook.
- OWM commends the NCWM Cannabis Task Group for its outstanding work on developing these proposals. If these proposals move forward and the NCWM Cannabis Packaging and Labeling Subcommittee is disbanded, OWM recommends that Committee task PALS with the development of *Cannabis* labeling.

B3: MOS-22.2 Section 1.XX Cannabis and Cannabis-Containing Products and 2.XX Cannabis and Cannabis-Containing Products

NIST OWM Executive for Block 3. (B3) – Cannabis

OWM does not concur that a method of sale is necessary for this commodity. The Weights and Measures Law, Section 16. Method of Sale which specifies:

Section 16. Method of Sale

Except as otherwise provided by the Director or by firmly established trade custom and practice,

- (a) commodities in liquid form shall be sold by liquid measure or by weight; and
- (b) commodities not in liquid form shall be sold by weight, by measure, or by count.

The method of sale shall provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons.

- Section 2.XX.X. Water Activity speaks about “unprocessed” Cannabis but does not define what this means and there is no reference within ASTM D8197.
- Water Activity is not related to Moisture Allowance. Water Activity should not be placed into the Moisture Allowance Table 2-3 within NIST HB 133. Doing so will only cause confusion.
- Water Activity is used to measure the growth of microbes using ASTM D8196-20, Standard Practice for Determination of Water activity (aw) in Cannabis, helping to ensure its safety. It is also used to identify the potency (THC level). In many states water activity testing would be conducted by an agency, other than weights and measures. Outside of fuel quality most weights and measures programs do not inspect and enforce quality and safety of most consumer commodities.
- To assist the officials, the Committee request that the Cannabis TG develop procedures for incorporation into NIST HB133 – in the following areas:
 - procedure for determining moisture allowance if the MOS is adopted with criteria for Water Activity.
 - Search and seizure (including transportation)
 - Safety procedures
 - Proper equipment
 - Testing for THC (if involved with the testing aspect) (i.e., potency, THC, contaminants).

¹ In contrast to hemp, marijuana remains a Schedule I substance under the Controlled Substances Act. NIST does not have a policy role related to the production, sale, distribution, or use of cannabis (including hemp and marijuana). NIST participates in the National Conference of Weights and Measures (NCWM) as part of NIST’s statutory mission to promote uniformity in state laws, regulations, and testing procedures.

Item Block 4 (B4) E-commerce

NIST OWM Executive for Item Block 4 (B4) E-commerce	
<p>NIST OWM Recommendation: OWM believes that Item WAM-23.1 is fully developed and should proceed if OTH-21.1 moves forward as a Vote. On OTH-21.1 NIST is recommending the changes noted in the Crosswalk (see below).</p> <ul style="list-style-type: none"> • For OTH-21.1 NIST OWM offers up recommended changes to the Item Under Consideration in the Crosswalk (see below). In addition, the NCWM L&R Supporting Documents provides for a clean version of the E-commerce Regulation reflecting all the changes specified in the crosswalk. • NIST OWM believes WAM-23.1 and OTH-21.1 must remain as a “block” through the adoption process. • PALS member’s, Chair Guay, David Sefcik, and John McGuire met with FTC on January 26, 2023, and provided an overview of the e-commerce regulation. On May 3, 2023, PALS met to review FTC’s letter (dtd. 4/10/2023) which contained FTC staff comments on the draft language. • Item WAM-23.1. – Section 11. Powers and Duties of the Director products subject to unit pricing on E-commerce sites, the states should consult with their legal counsel to determine if their state has authority to enforce the e-commerce regulation (if adopted) or whether having a (model) weights and measures law is needed. 	
Crosswalk of language as it appears in OTH-21.1 and NIST Recommended Changes	
Language as it appears in NCWM Pub. 16 (2023)	NIST OWM Recommended changes
<p>Section 1. This regulation shall apply to products and transactions which occur when purchasers are not present to purchase a consumer or non-consumer product in person.</p> <p>This regulation specifically establishes requirements for web-based sales (including smartphone and computer applications) and other sites/programs which offer products for sale and permit customers to make purchases without being physically present to inspect and select individual products and commodities in-person. This regulation also applies to any product information which shall accompany the transactions including labeling and receipts.</p>	<p>Section 1. <u>Application</u></p> <p>This regulation shall apply to products and transactions which occur when purchasers are not present to purchase a consumer or non-consumer product in person.</p> <p>This regulation specifically establishes requirements for web-based sales (including smartphone and computer applications) and other sites/programs which offer products for sale and permit customers to make purchases without being physically present to inspect and select individual products and commodities in-person. This regulation also applies to any product information that which shall accompany the transaction(s) including <u>but not limited to</u> labeling and receipts.</p>
<p>For Section 2. Definitions:</p> <ul style="list-style-type: none"> • NIST OWM Recommends that “Section 2. Definitions” be placed into the NIST HB in alphabetical order. As in past situations similar to this, NIST has been authorized editorial rights for this change. 	

<ul style="list-style-type: none"> Clarifying the definitions in 2.1. Product, 2.2. Consumer Product, and 2.3. Non-Consumer Product to align with the following Definitions, 15 C.F.R. § 16.3, Definitions, 15 U.S.C. § 2052, and Terms Defined 16 C.F.R. § 500. Sections 2.19. SI or SI Units and 2.20. U.S. Customary Units definitions are already defined within NIST Handbook 130. 	
Section 2.	Section 2. <u>Definitions</u>
<u>2.1. Product – An article, commodity or substance that is manufactured, grown, harvested, mined, or refined for sale.</u>	2.1. Product – An article, commodity, or substance <u>either packaged or unpackaged that is manufactured, grown, harvested, mined, refined, or a package introduced into commerce.</u>
<u>2.2. Consumer Product – A product sold or offered for sale in packaged or bulk form which is intended for personal use in a home or residence.</u>	2.2. Consumer Product – A product sold or offered for sale in <u>either</u> packaged, <u>unpackaged</u>, or <u>in</u> bulk form which is intended for <u>personal use in a home or residence</u> consumption or use <u>or enjoyment, by an individual</u> or individuals.
<u>2.3. Non-Consumer Product – A product sold or offered for sale which is intended for use by a business or institution customer for industrial use or wholesale distribution.</u>	2.3. Non-Consumer Product – A product <u>other than a consumer product</u> sold or offered for sale <u>which is intended for use by a business or institution customer and a product intended solely</u> for industrial or institutional use or <u>for</u> wholesale distribution.
<u>2.4. Online Marketplace – Any person or entity who operates an electronically accessed platform that includes features that allow for, facilitate, or enable sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a product within the U.S., is used by sellers for such purposes, and has a contractual or similar relationship with its users governing their use of that platform to sell and purchase products.</u>	2.4. Online Marketplace – A Any person or entity who operates an electronically accessed <u>accessible</u> platform that includes features that allow for, <u>facilitates</u> or <u>enables</u> sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a product(s) within the U.S. <u>This</u> is used by sellers for such purposes and has a contractual or similar relationship with its users <u>governing their use of that platform</u> to sell and purchase products.
<u>2.7. E-commerce Site – The site, program or interface through which customers make product purchases by means of e-commerce. An e-commerce site may be a manufacturer website, a retail website, an online marketplace, a delivery service site, a phone application, or other interface in which the customer is physically not present to inspect and select products.</u>	2.7. E-commerce Site – An The <u>online</u> site, program, or interface through which a customer makes product purchases by means of e-commerce. An e-commerce site may be a manufacturer website, a or retail website, an <u>online marketplace, a</u> delivery service site, phone application, or other interfaces in which the customer is physically not present to inspect and select products.
<u>2.10. Package. – Except as excluded by Section 1, the term “package,” whether standard package or random package, means any consumer product or non-consumer product which is:</u>	2.10. Package. – Except as excluded by Section 1. <u>Application</u>, the term “package,” whether standard package or random package, means any consumer product or non-consumer product which is:
<u>2.19. SI or SI Units – SI or SI Units means the International System of Units as established in 1960 by the General Conference on Weights and</u>	2.19. SI or SI Units – SI or SI Units means the International System of Units as established in 1960 by the General Conference on Weights and Measures

<p><u>Measures (CGPM) and interpreted or modified for the United States by the Secretary of Commerce.</u></p>	<p>(CGPM) and interpreted or modified for the United States by the Secretary of Commerce. <u>See the “Interpretation of the International System of Units for the United States” in the “Federal Register” (Volume 73, No. 96, pages 28432 to 28433) for May 16, 2008, and 15 United States Code, Section 205a - 2051 “Metric Conversion.” See also NIST Special Publication 330, The International System of Units (SI), 2019 edition and NIST Special Publication 811, Guide for the Use of the International System of Units (SI), 2008 edition that are available at https://www.nist.gov/pml/owm/owm-products-and-services/publications-and-documentary-standards or by contacting TheSI@nist.gov.</u></p>
<p><u>2.20. U.S. Customary Units – Units based upon the inch, foot, gallon, and the pound commonly used in the United States of America. U.S. customary units include units for weight, liquid measure, linear measure, area measure, volume measure and dry measure (see NIST Handbook 130, UPLR Section 6. Declaration of Quantity: Consumer Packages for additional information).</u></p>	<p><u>2.20. U.S. Customary Units – The U.S. customary system of weights and measures is recognized as a proper system to be used in the declaration of quantity. The declaration of quantity is based on weight, measure, or count.</u> (See NIST Handbook 130, UPLR Section 6. Declaration of Quantity: Consumer Packages for additional information).</p>
<p>Section 3. Required Declarations for E-commerce Sites Offering Products for Sale</p> <p>NIST OWM recommendation:</p> <ul style="list-style-type: none"> As reflected in NCWM Pub. 16, Section 3.3. does not reflect the subsection letters (a) through (e). This is reflected properly in the NIST OWM submitted language. 	
<p>Section 4. Required Information for E-commerce Products Upon Delivery.</p> <p>NIST recommends</p> <ul style="list-style-type: none"> The word change from “cost” to “price” in 4.2.(d) Defining the individual costs to the consumer on the receipt or invoice As reflected in NCWM Publication 16, Section 4.3. does not reflect the subsection letters (a) through (d). This is reflected properly in the NIST OWM submitted language. 	
<p><u>4.2. Random Package E-commerce Delivery Requirements. – The following shall apply to the information provided within, upon, or together with each random package delivered to/received by a customer in an e-commerce transaction:</u></p> <p><u>(d) Product Price. – The price charged for the product shall be prominently marked upon the product or be recorded and displayed on documentation within the package. Where multiple products are delivered</u></p>	<p><u>4.2. Random Package E-commerce Delivery Requirements. – The following shall apply to the information provided within, upon, or together with each random package delivered to/received by a customer in an e-commerce transaction:</u></p> <p><u>(d) Product Price. – The price charged for the product shall be prominently marked upon the product or be recorded and displayed on documentation within the package. Where multiple products are delivered concurrently,</u></p>

<p><u>concurrently, it shall be clear which information applies to each product. The product receipt shall provide the purchaser with cost information including the cost of the product and any applicable additional charges. Although the price information may also appear on a receipt or invoice, it shall also be provided as specified above with the product package.</u></p>	<p>it shall be clear which information applies to each product. The product receipt shall provide the purchaser with cost price information including the cost of the product and any applicable additional charges. Although the price information may also appear on a receipt or invoice, it shall also be provided as specified above with the product package. In addition, cost information (if any) for shipping, delivery, taxes, and other services shall be provided to the customer in the manner prescribed as above.</p>
<p><u>4.3. Bulk Product E-commerce Delivery Requirements – The following shall apply to the information provided on or with bulk products delivered to / received by a customer in an e-commerce sale:</u></p> <p>...</p> <p><u>(d) Product Price. – The total price charged for the product shall be provided to the customer on the transaction receipt.</u></p>	<p><u>4.3. Bulk Product E-commerce Delivery Requirements – The following shall apply to the information provided on or with bulk products delivered to / received by a customer in an e-commerce sale:</u></p> <p>...</p> <p><u>(d) Product Price. – The total product price charged for shall include the cost of the item, shipping (if any), delivery, taxes, and other services. These costs shall be individually listed and provided to the customer on either the transaction receipt or invoice.</u></p>
<p>Section 5. Unit Pricing Requirements on E-Commerce Sites for Products Offered for Sale</p> <p>NIST OWM recommends the following:</p> <ul style="list-style-type: none"> • Section 5.1. Products Subject to Unit Pricing on E-commerce Sites, lowercase wording for “price information” to be formatted correctly. • NIST OWM has incorporated subsection (a) and (d) into Section 5.2 Required Unit Price Information. Formatted fixed uppercase letters to lowercase. • The change in the word “presented” to “displayed in NCWM Pub. 16, Section 5.2. (f) • Sections will be re-lettered as they fall within the regulation. 	
<p><u>5.1. Products Subject to Unit Pricing on E-commerce Sites</u></p> <p><u>(a) Unit Price Information is required for bulk products and random packages offered for sale on an e-commerce site.</u></p>	<p><u>5.1. Products Subject to Unit Pricing on E-commerce Sites</u></p> <p><u>(a) Unit Pprice Information is required for bulk products and random packages offered for sale on an e-commerce site.</u></p>

<p>(b) <u>Unit Price Information is optional for standard packages offered for sale on e-commerce sites.</u></p>	<p>(b) Unit Pprice Information is optional for standard packages offered for sale on e-commerce sites.</p>
<p>5.2. Required Unit Price Information</p> <p><u>The Unit Price shall be consistent with the required method of sale for the product.</u></p> <p>(b) <u>Units of Measure. – The declaration of the unit price of a particular commodity in all package sizes offered for sale on an e-commerce site shall be uniformly and consistently expressed in terms of:</u></p> <p>(c) <u>Exemptions – The following exemptions from unit pricing requirements above are permitted:</u></p> <p>(d) <u>E-commerce sites shall determine the most effective units for ensuring value comparison of similar products with varying product sizes. However, unit prices (e.g., price per ounce, price per inch, etc.) shall employ consistent units of measure for similar or competing products posted on the same e-commerce site.</u></p> <p>(e) <u>Unit Pricing Expressions shall be listed in the nearest cent when a dollar or more. If the unit price is under a dollar, it shall be listed to the tenth of a cent or the whole cent, but both methods cannot be used simultaneously. The e-commerce site shall accurately and consistently use the same method of rounding up or down to compute the unit price to the whole cent.</u></p> <p>(f) <u>The unit price information shall be presented adjacent to the product price information. When present, unit price information is to be provided in a manner so that it is adjacent to all other product pricing information.</u></p>	<p>5.2. Required Unit Price Information –The unit price shall be consistent with the required method of sale for the product. An e-commerce site shall determine the most effective units for ensuring value comparison of similar products with varying product sizes. Unit prices shall employ consistent units of measure for similar or competing products posted on the same e-commerce site (e.g., price per ounce, price per inch, etc.)</p> <p>The Unit Price shall be consistent with the required method of sale for the product</p> <p>(b) Unit of Measure (a) The declaration of the unit price of a particular category of product in all package sizes offered for sale on an e-commerce site shall be uniformly and consistently expressed in the same unit of measure in terms of:</p> <p>....</p> <p>(b)(c) Exemptions The following exemptions from unit pricing requirements above are permitted:</p> <p>(c) E-commerce sites shall determine the most effective units for ensuring value comparison of similar products with varying product sizes. However, unit prices (e.g., price per ounce, price per inch, etc.) shall employ consistent units of measure for similar or competing products posted on the same e-commerce site.</p> <p>(e) (c) Unit Pricing Expressions shall be listed in to the nearest cent when it is a dollar or more. If the unit price is under a dollar, it shall be listed to the tenth of a cent or the whole cent, but both methods cannot be used simultaneously. The e-commerce site shall be accurately and consistently use the same method of rounding up or down to compute the unit price to the whole cent.</p> <p>(f) (d) The unit price information shall be displayed presented adjacent to the product priceing information. When present, unit price information is to be provided in a</p>

	<p>manner so that it is adjacent to all other product pricing information.</p>
<p>Section 6. Declaration of Quantity – E-commerce Products</p> <p>NIST OWM recommends the following:</p> <ul style="list-style-type: none"> • Section 6.1 be separated into two subsections (a) & (b). • The information shown in the NCWM 2023 PUB 16 has been separated to be user-friendly. 	
<p><u>6.1. E-commerce Site Requirements – Any e-commerce package offered for sale on an e-commerce site shall be displayed or represented on the e-commerce site with a separate Declaration of Quantity statement which details the quantity of product that the package contains in SI and U.S. customary units of measure and/or in count consistent with the requirements for packages intended for retail sale prescribed in the UPLR (see Section 6. NOTE 1) Section 6. Declaration of Quantity: Consumer Packages and Section 7. Declaration of Quantity: Non-Consumer Packages, as applicable or other existing Federal regulations for non-consumer products. The Declaration of Quantity shall be accurately displayed in relevant units to facilitate value comparison. The declaration shall not be misleading or deceptive.</u></p>	<p><u>6.1. E-commerce Site Requirements – Any e-commerce package offered for sale on an e-commerce site shall be displayed or represented on the e-commerce site with a separate Declaration of Quantity statement which details the quantity of product that the package contains in.</u></p> <p>(a) <u>the declaration of quantity statement shall be recognized</u> SI and U.S. customary units of measure and/or in count consistent with the requirements for packages intended for retail sale prescribed in the <u>as specified in NIST Handbook 130</u>, UPLR, Section 6. Declaration of Quantity: Consumer Packages and Section 7. Declaration of Quantity: Non-Consumer Packages, ^(see Section 6. NOTE 1) as applicable or other existing Federal regulations for non-consumer products and;</p> <p>(b) the Ddeclaration of Qquantity shall be accurately displayed in relevant units to facilitate value comparison. shall not misrepresent the quantity in any manner that can be misleading or deceptive. Any declaration of quantity statement that does not permit price or quantity comparison is forbidden.</p>
<p><u>6.2. E-commerce Package Requirements – E-commerce standard and random consumer packages and pre-packaged non-consumer packages upon delivery to customers shall have an accurate Declaration of Net Quantity on the package label.</u></p>	<p><u>6.2. E-commerce Package Requirements – E-commerce standard and random consumer packages and pre-packaged non-consumer packages upon delivery to customers shall have an accurate Declaration of Net Quantity on the package label.</u></p>
<p><u>6.3. E-commerce Bulk or Unpackaged Product Requirements – E-commerce bulk and non-consumer products which are not packaged prior to</u></p>	<p><u>6.3. E-commerce Bulk or Unpackaged Product Requirements – E-commerce bulk and <u>unpackaged</u> non-consumer products which are not packaged prior</u></p>

<p><u>purchase, at the time of delivery to the customer, shall be accompanied by an accurate Declaration of Net Quantity on a printed transaction receipt. This printed receipt shall include the product identity, unit price, net quantity, and actual charged price in a clear and non-misleading manner for all bulk or non-packaged products. Electronic receipts may be used in place of paper receipts if the information required for a paper receipt is printed upon or contained in each individual bulk and/or non-packaged product. Electronic receipts may be provided in place of printed receipts if the customer specifies an electronic receipt is preferred.</u></p>	<p>to purchase, at the time of delivery to the customer, shall be accompanied by an accurate Declaration of Net Quantity on a printed or electronic transaction receipt to the customer or person. This printed receipt shall include the product identity, unit price, net quantity, and actual charged price in a clear and non-misleading manner for all bulk or non-packaged products. Electronic receipts may be used in place of paper receipts if the information required for a paper receipt is printed upon or contained in each individual bulk and/or non-packaged product. Electronic receipts may be provided in place of printed receipts if the customer specifies an electronic receipt is preferred. <u>The printed or electronic receipt shall include the product identity, unit price, net quantity, and actual charged price in a clear and non-misleading manner for all bulk or unpackaged products.</u></p>
<p><u>6.7. SI Units: Mass, Measure. – A declaration of quantity for an e-commerce product or package shall be expressed in units according to the provisions of the UPLR (add appropriate reference), the applicable Method of Sale Regulation (add appropriate reference) or the applicable regulation(s) of another regulatory agency. Generally, declarations are to follow the requirements detailed below:</u></p> <p>(Formatting issues on lettering)</p>	<p><u>6.7. SI Units: Mass and Measure. – A declaration of quantity for an e-commerce product or package shall be expressed in units according to the UPLR (add appropriate reference) the applicable Method of Sale Regulation (add appropriate reference) or the applicable regulation(s) of another regulatory agency. Generally, declarations are to follow the requirements detailed below:</u>—as specified in Handbook 130, Sections 6.5 through 6.6.2. and 7.4 (see Section 6. Note 1) or the applicable regulation(s) of a federal or state regulatory agency.</p>
<p><u>6.8. U.S. Customary Units: Weight and Measure. – A declaration of quantity for an e-commerce product or package shall be expressed in units according to the provisions of the Uniform Packaging and Labeling Regulation (see Section 6. Note 1) Sections 6.7. through 6.8.2., the applicable Method of Sale Regulation (see Section 6. Note 2) as applicable, or the applicable regulation(s) of a regulatory agency. Generally, declarations are to follow the requirements detailed below.</u></p>	<p><u>6.8. U.S. Customary Units: Weight and Measure. – A declaration of quantity for an e-commerce product or package shall be expressed in units according to the provisions of the Uniform Packaging and Labeling Regulation UPLR as specified in Handbook 130 (see Section 6. Note 1) Sections 6.7. through 6.8.2. and 7.5. (see Section 6. Note 1), the applicable Method of Sale Regulation (see Section 6. Note 2) as applicable, or the applicable regulation(s) of a federal or state regulatory agency. Generally, declarations are to follow the requirements detailed below.</u></p>
<p><u>Section 6. NOTE 1: See NIST Handbook 130, Uniform Packaging and Labeling Regulation (UPLR).</u></p> <p><u>Section 6. NOTE 2: See NIST Handbook 130, Uniform Regulation for the Method of Sale of Commodities.</u></p>	<p><u>Section 6. NOTE 1: See NIST Handbook 130, Uniform Regulations, Uniform Packaging and Labeling Regulation.</u></p> <p><u>Section 6. NOTE 2: See NIST Handbook 130, Uniform Regulation for the Method of Sale of Commodities.</u></p>

<p>Section 7. Declaration of Identity: E-commerce Products</p> <p>NIST recommends retitling Section 7.2. to read “<u>Identity Declaration</u> – The identity declaration shall be in terms of:”</p>	
<p><u>7.2. The identity declaration shall be in terms of:</u></p>	<p><u>7.2. Identity Declaration – The identity declaration shall be in terms of:</u></p>
<p>Section 8. Declaration of Responsible Person: E-commerce Products</p> <p>NIST OWM recommends adding the word “; or” after each subsection within Section 8.3. E-commerce Site Requirements.</p>	
<p><u>8.3. E-commerce Site Requirements. – The operator of an e-commerce site offering products for sale shall comply with at least one of the following requirements regarding each product offered for sale:</u></p> <ul style="list-style-type: none"> <u>(a) The e-commerce site shall provide the name and address of the product manufacturer, packer, or distributor.</u> <u>(b) The e-commerce site shall provide the name and website address of the product manufacturer, packer, or distributor.</u> <u>(c) The e-commerce site shall provide the product brand name or the name of the product manufacturer, distributor, or packer, when product manufacturer, distributor or packer address information is displayed on the package label at the time the product is delivered to the purchaser.</u> <u>(d) When the e-commerce site owner or operator is the also the product manufacturer, packer or distributor, the e-commerce site shall clearly and conspicuously display its name, address, and contact information on both the e-commerce site and on the transaction receipt.</u> 	<p><u>8.3. E-commerce Site Requirements. – The operator of an e-commerce site offering products for sale shall comply with at least one of the following requirements regarding each product offered for sale:</u></p> <ul style="list-style-type: none"> (a) The e-commerce site shall provide the name and address of the product manufacturer, packer, or distributor; <u>or</u> (b) The e-commerce site shall provide the name and website address of the product manufacturer, packer, or distributor; <u>or</u> (c) The e-commerce site shall provide the product brand name or the name of the product manufacturer, distributor, or packer, when product manufacturer, distributor or packer address information is displayed on the package label at the time the product is delivered to the purchaser; <u>or</u> (d) When the e-commerce site owner or operator is the also the product manufacturer, packer or distributor, the e-commerce site shall clearly and conspicuously display its name, address, and contact information on both the e-commerce site and on the transaction receipt.
<p>Section 9. Product Photograph or Accurate Product Graphic Representation/Image: E-commerce Site Requirements</p> <p>NIST OWM recommends changing some words for sentence structure and clarity within Section 9.1. through 9.5.</p>	

<p>9.1. E-commerce Standard Packages. – <u>Any e-commerce package offered for sale on an e-commerce site shall be represented on the site with a current photograph of the package offered for sale. As an alternative, a detailed and accurate photographic depiction or representation of the package may be displayed. This picture or graphical representation shall be sufficiently sized, detailed, and clear to enable the customer to distinguish this package or product from similar packages including varying sizes, varieties, and product functions. When a consumer can customize an e-commerce package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.</u></p>	<p>9.1. E-commerce Standard Packages. – Any e-commerce packages offered for sale on an e-commerce site shall be represented on the <u>e-commerce</u> site with a current photograph of the package offered for sale. As an alternative, a detailed and accurate photographic depiction or representation of the package may be displayed. This picture or graphical representation shall be sufficiently sized, detailed, and clear to enable the customer to distinguish this package or product from similar packages including varying sizes, varieties, and product functions. When a consumer can customize an e-commerce package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.</p>
<p>9.2. E-commerce Random Packages. – <u>E-commerce random products offered for sale on an e-commerce site shall be accompanied on the site by a representative picture or photographic depiction of product (packaged or unpackaged) which is being offered for sale. This picture or photographic depiction shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer can customize an e-commerce random package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.</u></p>	<p>9.2. E-commerce Random Packages. – E-commerce random products offered for sale on an e-commerce site shall be accompanied on the <u>e-commerce</u> site by a representative picture or photographic depiction of representing the product (packaged or unpackaged) which is being offered for sale. This picture(s) or photographic(s) depiction shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer <u>customer</u> can customize an e-commerce random package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.</p>
<p>9.3. E-commerce Bulk Products and Select Random Packages. – <u>Bulk products offered for sale on an E-commerce site shall be accompanied on the site by a representative picture or photographic depiction of the unpackaged product which is being offered for sale. Products packaged in random packages shall be displayed on the site with a representative depiction of a representative package, a clear and conspicuous statement explaining that packaged products are of random quantity, and instructions to customers regarding the means to specify a maximum or minimum package quantity in ordering and purchasing the product. The picture(s) or photographic depiction(s) shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer can customize bulk or random package, a photographic representation of the customized</u></p>	<p>9.3. E-commerce Bulk Products and Select Random Packages. – Bulk products <u>and select random packages offered for sale on an E-commerce site</u> shall be accompanied on the <u>e-commerce</u> site by a representative picture or photographic depiction of the unpackaged product which is being offered for sale. Products packaged in random packages shall be displayed on the site with a representative depiction of a representative package, a <u>A</u> clear and conspicuous statement explaining that the packaged products are of random quantity, and instructions to customers regarding the means to specify a <u>minimum or</u> maximum or minimum package quantity in when ordering or purchasing the product. The picture(s) or photographic depiction(s) shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer <u>customer</u> can customize <u>a</u> bulk or random package, a photographic representation of the customized product</p>

<p><u>product can be provided in addition to the required pre-customized product.</u></p>	<p>can be provided in addition to the required pre-customized product.</p>
<p><u>9.4. E-commerce Non-Consumer Packages. – Non-consumer products offered for sale on an e-commerce site shall be accompanied on the site by a representative picture or photographic depiction of the product which is being offered for sale. This picture or photographic depictions shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer can customize a non-consumer package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.</u></p>	<p><u>9.4. E-commerce Non-Consumer Packages. – Non-consumer products offered for sale on an e-commerce site shall be accompanied on the e-commerce site by with a representative current picture or photographic depiction of the product which is being offered for sale. This picture or photographic depiction(s) shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer can customizes a non-consumer package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.</u></p>
<p><u>9.5. Pictures on Receipts: Transaction receipts are not required to provide pictures or photographic depictions</u></p>	<p><u>9.5. Pictures on Receipts – Transaction E-commerce receipts are not required to provide pictures or photographic depictions.</u></p>

Item Block 6 (B6) Transmission Fluid

NIST OWM Executive for Section Item Block 6 (B6) – Transmission Fluid

NIST OWM Recommendation: OWM recommends this be withdrawn for the following reasons:

IFG Chair Johnson reported to FALS that designating transmission fluid “obsolete” is impractical for a variety of reasons, including lack of a comprehensive and consistent standards setting organization mechanism, and therefore the original amendment approach should no longer be pursued.

Chair Johnson has recommended they should switch focus (purpose) to developing other potential consumer protection language for labels. OWM recommends this item be Withdrawn. Any future items should be resubmitted to the L&R Committee for consideration.