

Laws and Regulations (L&R)
Committee Agenda Items:

Executive Summary



In preparation for the 2025 Interim Meeting of the National Council on Weights and Measures (NCWM) on January 12 – 15, 2025

Executive Summaries from NIST Office of Weights and Measures (OWM) Analysis Laws and Regulations (L&R) Committee 2025 NCWM Annual Meeting Agenda

The NIST OWM Analysis is submitted to assist the Weights and Measures community as it deliberates on items before the Council. NIST OWM offers these comments and recommendations based upon information and input available as of the date of this report. This does not address information received after this date.

Language shown in boldface print by ~~striking out~~ information to be deleted and underlining information to be added. Requirements that are proposed to be nonretroactive are printed in boldfaced italics.

Assessment of items contained within this report is as of August 15, 2024 and does not address information received after this date.

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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
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NCWM Policy, Interpretations, and Guidelines	POL Series
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PAL – Uniform Packaging and Labeling Regulation

NIST OWM Executive Summary for PAL-25.1 – Section 1. Application

NIST OWM Recommendation: Withdrawn.

- Section 1 Application comes directly from FPLA, and the requirements cannot be added nor deleted from this section.
- Petitioning the FTC or FDA would be an alternative solution for the submitters. There are currently eight (8) subsections within the Exemptions of the FPLA.
- The FPLA and UPLR require a packaged commodity to include the Identity, Responsibility and Net Quantity.
- There is no definition or defined unit for a Bale of Hay. There are different types of bailers and delineations of a “bale” (meaning a bundle wrapped or bound). The “bale” can be cut into various sizes and still be considered a “bale.”
- This is more reflective of a Method of Sale (MOS) item as opposed to a Package and Labeling item. Determining a Method of Sale for a bale of hay that best promotes value comparison is recommended.
- Selling by the bale does not facilitate a value comparison because of the variation in bales of hay.
- We recommend the submitter bring back the item with a clear definition of a bale, and modified language recommending a method of sale. The submitter should seek consensus from the industry trade association on the MOS.

MOS – Uniform Regulation for the Method of Sale of Commodities

NIST OWM Executive Summary for MOS-24.2 | 2.16.3.1. Tare Weights, Part (c) Allowable difference

NIST OWM Recommendation: Informational.

This Item has been assigned as Informational by the 109th NCWM L&R Committee.

- The DOT posted a Federal Register Notice for a Request for Information, which concluded on September 24, 2024. NIST OWM suggests continuing with the status of this item as Informational, letting the Federal process continue until the DOT makes an official response.

NIST OWM Executive Summary for MOS-25.1 – 2.21.2. Metered Sales by Volume

NIST OWM Recommendation: Withdrawn

- NIST OWM thinks this extension is excessive and unwarranted as the National Laws and Regulations Committee addressed and Voted on this timeframe at the 2023 NCWM Annual meeting.
- The original item on the NCWM L&R agenda (MOS 20.5) and currently within the 2024 NIST Handbook 130, states sales using metering systems with a maximum rated capacity equal to or less than 20 gal/min that were placed into service after January 1, 2026, shall be accomplished by use of a metering system that automatically compensates for the effects of temperature. And, effective January 1, 2030, all metered sales (through all capacities of metering devices, regardless of installation and service date) shall be accomplished by use of a metering system that automatically compensates for temperature.
- There is an alternative requirement in the Method of Sale that would allow users to sell by weight if an ATC has not been installed by the 2030 deadline.
- Lacks data to support the extension of an additional six (6) years.
- Retroactive should be removed from the “purpose”

NIST OWM Executive Summary for MOS-25.3 – 3.3. Labeling of Machines that Dispense Packaged Products

NIST OWM Recommendation: Withdrawn.

- This agenda item requires item pricing on a commodity which would set a new precedent as no other section requires item pricing other than random weight.
 - This is a matter of individual state laws to require item pricing.
 - If this item moves forward and a missing price is considered a violation, it would be a Method of Sale violation and not a pricing error.
 - If all commodities within the dispensing machine are the same price, is it acceptable to only post one price, or does each item require its own pricing?
 - In the item under consideration, the section number should be 3.3, not 3.1.
- 3.1 (3.3) Labeling of Machines that Dispense Packaged Commodities.** – All vending machines dispensing packaged commodities shall indicate:

FLR – Uniform Fuels and Automotive Lubricants Regulation

NIST OWM Executive Summary for FLR-25.2 – Section 7. Test Methods and Reproducibility Limits

NIST OWM Recommendation: Voting

- NIST OWM concurs with the submitter as this corrects language as it pertains to Premium Diesel in Section 7 as the properties are stated in the Uniform Engine Fuels and Automotive Lubricants Regulation Section 2.2.1.
- The new language “**or as otherwise specified in these regulations**” should be in bold and should reflect (Amended 2008 and 20XX) until such time it is adopted.

OTH – OTHER ITEMS

NIST OWM Executive Summary for OTH-24.1 – X. Uniform Shipping Law

NIST OWM Recommendation: Assigned or Informational for further evaluation.

- NIST OWM supports the task group and looks forward to their work. A new proposal has been posted on the NCWM supporting documents page. This item was revised after the regionals met, and too many substantive changes have occurred.
- The Task Group is still in the early stages and more outreach is needed to ensure all divergent perspectives through Trade Associations and stakeholders are vetted.
- NIST OWM has suggested language addressing the updated document in the NCWM supporting documents within our Detailed Executive Analysis.
- The Task Group has supplied a Full Report on the Uniform Shipment Law Proposal in the NCWM Supporting Documents.

NIST OWM Executive Summary for OTH-07.1 – Fuels and Lubricants Subcommittee

NIST OWM Recommendation: Developing

- NIST OWM supports the work of the committee.

NIST OWM Executive Summary for OTH-11.1 – Packaging and Labeling Subcommittee

NIST OWM Recommendation: Developing

- NIST OWM supports the work of the committee.

ITEM BLOCK 1 (B1) – Premium Diesel Fuel

NIST OWM Executive Summary for B1: MOS-25.2 – 2.40.1. Premium Diesel Fuel and FLR 2.2.1. Premium Diesel Fuel.

NIST OWM Recommendation: Voting.

- With the language revision (below) provided by the submitter at the October 2024 Annual SWMA meeting, NIST OWM supports this item.
- "NOTE: ASTM D2500, “Standard Test Method for Cloud Point of Petroleum Products and Liquid Fuels” is the referee method, however, bias-corrected results from the automatic Standard Test Methods listed in the latest version of ASTM D975, “Standard Specification for Diesel Fuel” may be used as alternatives with the same limits. Bias-correction equations are noted in the respective precision sections of each automatic test method. In case of dispute, ASTM Test Method D2500 shall be the referee method."
- The letter “F” needs to be inserted into the Title FLR 25.1 2.2.1. Premium Diesel Fuel.

ITEM BLOCK 2 (B2) – Reference ASTM Standards D8080 and D8487

NIST OWM Executive Summary for B2: FLR-24.1 A 3.11.2.1.X. Identification of Grade and 3.12.2.X. Identification of Grade

NIST OWM Recommendation: Voting.

Block 2 (3.11.2.1.X. and 3.12.2.X.) has been addressed by the submitter. Table 1 has been updated to reflect the Labeling of the Identification of Grades in both ASTM D8080 and D8487 “Standard Specification for Compressed Natural Gas (CNG) and Liquefied Natural Gas (LNG) Used as a Motor Vehicle Fuel” & “Standard Specification for Natural Gas, Hydrogen Blends for Use as a Motor Vehicle Fuel.” respectively.

NIST OWM recommends the following language change to the item under consideration:

3.11.2.1.X. Identification of Grade. – Each retail dispenser of CNG shall be labeled with an identification of the grade of the product as identified in ASTM D8080.

3.12.2.X. Identification of Grade. – Each retail dispenser of LNG shall be labeled with an identification of the grade of the product as identified in ASTM D8080.

ITEM BLOCK 3 (B3) – Ice cream**NIST OWM Executive Summary for B3: MOS-24.5 | Section 1.7.1. Factory Packaged Ice Cream and Similar Frozen Products**

NIST OWM Recommendation: Voting.

NIST OWM concurs with the need to update the language for the Method of Sale. This language is in NIST HB 130 Section 1 Food Products. The change in this language aligns with the Method of Sale and the modified language with test methods in NIST Handbook 133 Section 3.11.1 Ice Cream, Ice Pops and Similar Frozen Novelties. Although NIST OWM recommends the proposed language change reflected below

1.7.1 ~~Factory Packaged Ice Cream, Ice Pops, and Similar Frozen Products. Novelties~~ – Ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered, or exposed for sale in terms of fluid volume.

ITEM BLOCK 4 (B4) – Moisture Allowance Consideration

NIST OWM Executive Summary for B4: NET-25.1 – 1.2.6.1. Applying a Moisture Allowance Consideration, 2.3.8. Moisture Allowances Considerations, 4.10.2.2. Moisture Shrinkage Allowance Consideration for Structural Plywood and Wood-based Structural Panels, 4.11.2.1. Shrinking Allowance Consideration, POL 25.1 - 2.6.12. Point-of-Pack Inspection Guidelines

NIST OWM Recommendation: Developing

- OWM believes it is necessary to retain the word “Allowance”. Adding the word “Consideration” to “Moisture Allowance” enhances the language therefore giving the user the proper terminology. The user would “Consider” applying a “Moisture Allowance “to the product in question. NIST OWM recommends the language remain the same and add “consideration” to the end of Moisture Allowance. It would then read: Moisture Allowance Consideration”. This will entail a detailed review of each instance within NIST Handbook 133 to ensure the proper terms are being utilized.
- NIST OWM recommends no changes to the “moisture shrinkage allowance” in the lumber section of NIST Handbook 133 Sections 4.10 and 4.11, as these are defined and have been supported by data. Lumber and wood panels are referenced in the National Production Standards PS1, PS2, and PS20 as this is part of the industry's quality assurance procedures.