

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

Executive Summary



In preparation for the 2025 Annual Meeting of the National Council on Weights and Measures (NCWM) on July 13 – 17, 2025

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Executive Summaries from the NIST OWM Analysis of the 2025 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

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

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*Details of NIST OWM Executive Summaries
(In order by Reference Key)*

PAL – Uniform Packaging and Labeling Regulation

PAL-25.1. – Section 1. Application
<p>NIST OWM Recommendation: Withdrawn</p> <ul style="list-style-type: none">• This agenda item has been Withdrawn by the Laws and Regulations Committee during the 2025 NCWM Interim meeting.• Section 1 Application comes directly from FPLA, and the requirements cannot be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

MOS-24.2. – 2.16.3.1. Tare Weights, Part (c) Allowable difference
<p>NIST OWM Recommendation: Voting</p> <ul style="list-style-type: none">• In communications with the Department of Transportation (DOT) – PHMSA, NIST OWM discussed the proposed NIST OWM language for clarity. The DOT stated that this is accurate, correct, and concise. The language depicts the appropriate stamped or stenciled tare for determining the net contents of a cylinder based on when that cylinder was manufactured, as described in 49 CFR § 178.35. NIST OWM is in communication with the National Propane Gas Association (NPGA) representative, Chris Wagner, Vice President of Codes, Standards, and Safety. We have discussed the language submitted in Publication 16 and the NIST OWM proposed language submitted in the Southern Weights and Measures Regional report in 2023. Jointly, we have concluded and agree that

MOS-24.2. – 2.16.3.1. Tare Weights, Part (c) Allowable difference

the OWM proposed language should be the language moving forward. This language is shown below.

- Accepting the language as proposed by NIST OWM will harmonize NIST Handbook 130 and the DOT regulations. As it stands, the NIST Handbook 130 Method of Sale is in conflict with **49 CFR § 178.35**.
- NIST proposed language:
 - (c) **Allowable difference.** – If the stamped or stenciled tare is used to determine the net contents of the cylinder, the allowable difference between the actual tare weight and the stamped (or stenciled) tare weight, or the tare weight on a tag attached to the cylinder ~~for a new or used cylinder, shall be within:~~
 - (1) For cylinders manufactured prior to December 28, 2022, shall be within:**
 - i. $\frac{1}{2}$ % for tare weights of 9 kg (20 lb) or less; or
 - ii. $\frac{1}{4}$ % for tare weights of more than 9 kg (20 lb).
 - (2) For cylinders manufactured on or after December 28, 2022, shall be within the following limits prescribed by General requirements for specification cylinders, 49 C.F.R. § 178.35:**
 - i. For a cylinder of 25 lb or less at the time of manufacture, a lower tolerance of (-) 3 % and an upper tolerance of (+) 1 %; or
 - ii. For a cylinder exceeding 25 lb at the time of manufacture, a lower tolerance of (-) 2 % and an upper tolerance of (+) 1 %.

NOTE: Failure of a cylinder tare weight to be within the required allowable difference is considered a Method of Sale violation. The cylinder shall be removed from use until the tare weight is corrected.

MOS-25.1. – 2.21.2. Metered Sales by Volume

NIST OWM Recommendation: Voting

- NIST OWM supports the item submitter's request to change the date from 2036 to 2034 in 2.21.2.(c), effectively providing a 10-year period to transition to systems that have automatic temperature compensation capability. In making this request, the industry cited survey data acquired through discussions with propane manufacturers and suppliers, which identified a typical attrition rate of 10 years for propane meter replacement.
- MOS 20.5, as it appeared on the NCWM L&R Agenda in 2021, clarified that all volume sales of Liquefied Propane Gas (LPG) must be temperature compensated by the liter (defined as 1 liter at 15 °C) or the gallon (defined as 231 in³ at 60 °F),
- Extending this timeframe to 2034 provides the industry 10 years from the adoption of MOS 20.5, amending NIST Handbook 130 in 2024. NIST OWM supports this request as reasonable and believes the current date of 2030 may be a burden for businesses to comply with.

MOS-25.3. – 3.3. Labeling of Machines that Dispense Packaged Products
<p>NIST OWM Recommendation: Withdrawn</p> <ul style="list-style-type: none"> • This agenda item has been Withdrawn by the Laws and Regulations Committee during the 2025 NCWM Interim meeting. • 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. <p>3.1 (3.3) Labeling of Machines that Dispense Packaged Commodities. – All vending machines dispensing packaged commodities shall indicate:</p>

FLR – Uniform Fuels and Automotive Lubricants Regulation

FLR-25.2. – Section 7. Test Methods and Reproducibility Limits
<p>NIST OWM Recommendation: Voting</p> <ul style="list-style-type: none"> • NIST OWM believes that with the suggested editorial formatting, this is fully developed and ready for 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

OTH-24.1. – X. Uniform Shipping Law
<p>NIST OWM Recommendation: Assigned</p>

OTH-24.1. – X. Uniform Shipping Law
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| <ul style="list-style-type: none">• NIST OWM supports the task group and looks forward to their work. An updated proposal prior to the 2025 NCMW Interim meeting has been posted on the NCWM supporting documents page. This item was revised after the regionals met, and too many substantive changes have occurred. Do to strong support from the Regionals and for due process, we recommend this item remain assigned. The following language needs to be removed from Section 10. Prohibited Acts subsection 4 *Removed (5) language which mimicked 10 (a).*• NIST OWM believes the committee should work with the National Motor Freight Transportation Association (NMFTA) to fully vet the proposed changes, as it will affect laws in every state, prior to adopting this into NIST Handbook 130. |
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OTH-07.1. – Fuels and Lubricants Subcommittee
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NIST OWM Recommendation: Developing
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| <ul style="list-style-type: none">• NIST OWM supports the work of the committee. |
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OTH-11.1. – Packaging and Labeling Subcommittee
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NIST OWM Recommendation: Developing
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| <ul style="list-style-type: none">• NIST OWM supports the work of the committee. |
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ITEM BLOCK 1 (B1) – PREMIUM DIESEL FUEL

B1–MOS-25.2. – 2.40.1. Premium Diesel Fuel and FLR 2.2.1. Premium Diesel Fuel
<p>NIST OWM Recommendation: Voting</p> <ul style="list-style-type: none"> NIST OWM would like to point out a needed correction to the Method of Sale Section being used. The new section in the 2025 NIST Handbook 130 is 2.39.2 Premium Diesel, not 2.40.1 as described in the Item Under Consideration. This “Note” is being added to MOS Section 2.39.2 Premium Diesel Fuel, (b) Low Temperature Operability and in the Uniform Fuels and Automotive Lubricants Regulations Section 2.2.1 Premium Diesel Fuel, (b) Low Temperature Operability, NIST OWM supports this item for voting. The “Note” allows for bias-corrected results from automatic standard test methods in ASTM D975, however, a caveat stating if disputed, the referee method shall be D2500 as the Standard Test Method for Cloud Point of Petroleum Products and Liquid Fuels. <p>NOTE: When Cloud Point determinations are made, 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.</p> <ul style="list-style-type: none"> The letter “F” needs to be inserted into the Title <u>FLR 25.1 2.2.1. Premium Diesel Fuel</u>.

ITEM BLOCK 2 (B2) – REFERENCE ASTM STANDARDS D8080 AND D8487

B2–FLR-24.1. – 3.11.2.1.X. Identification of Grade and 3.12.2.X. Identification of Grade
<p>NIST OWM Recommendation: Voting</p> <ul style="list-style-type: none"> During the NCWM 2025 Interim meeting, FALS revised the language in Block 2 (3.11.2.1.X. and 3.12.2.X.) in the NIST OWM analysis to include the additional wording “in the latest version.” Both NIST OWM and FALS support this change. NIST OWM believes this provides clarity and inclusivity of language already used within NIST Handbook 130. The language below is in the Item Under Consideration. <p><u>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 the latest version of ASTM D8080.</u></p> <p><u>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 the latest version of ASTM D8080.</u></p> <ul style="list-style-type: none"> 3.11.2.1.4 should be reflected as 3.11.2.1.X, and 3.12.2.2 should be reflected as 3.12.2.X in Pub 16. Once the item has been presented to the L&R Committee and passed through the NCWM as voting, these numbers will appear with their appropriate enumeration.

ITEM BLOCK 3 (B3) – ICE CREAM

B3–MOS-24.5. – Section 1.7.1. Factory Packaged Ice Cream and Similar Frozen Products

NIST OWM Recommendation: Voting

NIST OWM agrees this is a needed update to the definition of the NIST Handbook 130 Method of Sale Section 1 Food Products, Section 1.7.1. This definition aligns with the changes to the test methods that were amended in the 2025 NIST Handbook 133 version through the NCWM. The inclusion of the language “Ice Pops” allows for harmonization between the definition and test procedures.

ITEM BLOCK 4 (B4) – MOISTURE ALLOWANCE CONSIDERATION

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: Assigned

- It seems the item was developed using a “search and find”/” cut and paste” feature. A , well-thought-out line by line detailed review and analysis should take place of the over 50-plus changes spanning six different sections of Handbook 133 being made to ensure that changes to words do not change the context. The ramifications and considerations in applying, allowing, and /or requesting moisture allowance, along with the NCWM Policy Interpretations, Guidelines in Handbook 130 2.5.6, need to be fully considered when recognizing gray area considerations.
- Moisture allowance has been recently discussed in various aspects within the NCWM. NIST OWM believes this should remain developing, and the Moisture Allowance Task Group should be reinstated to address the concerns and considerations of this item.
- In NIST Handbook 133 Section 2.3.8, NIST OWM proposes a language change shown below.

2.3.8. Moisture Allowances

When no predetermined ~~allowance~~ **value for the specific commodities** is found in NIST Handbook 133, **Table 2-3 Moisture Allowance Consideration**, the potential for moisture loss **or “gray area”** must be considered. Inspectors should follow their jurisdiction’s guidance for making their determination on an acceptable moisture allowance **consideration**.

(Added 2010) (**Amended 20XX**)

- Appendix F. Glossary in Handbook 133 is missing the language change in Pub 16, as well as the Index.
- On page 70, line 38, under example, within Pub 16 of the L&R Report, the word “consideration” should not follow the Maximum Allowable Variation. MAVs are not a consideration.

- On page 71, lines 7 and 14, the parenthetical language "Amended 2010 & 2014," respectively, should not be stricken.
- The parenthetical language Amended 2002 in the newly moved paragraph to the item should remain, with the added 20XX included for (if/when) adoption.