

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

Executive Summary



***In preparation for the 2026 Interim Meeting of the
National Council on Weights and Measures (NCWM) on
January 11-14, 2026***

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Executive Summaries from NIST Office of Weights and Measures (OWM) Analysis Laws and Regulations (L&R) Committee 2026 NCWM Interim Meeting Agenda

Due to a lapse in appropriations, the U.S. Government was shut down from October 1, 2025, to November 12, 2025. Subsequently, NIST OWM was unable to provide a complete review and analysis for some of the items on the 2026 NCWM Interim Meeting agenda.

For those agenda items that did not receive a full technical analysis and review by OWM, we have provided updated information on regional recommendations and comments from their meetings, for your convenience. OWM will continue to research and review all items for the 2026 NCWM Annual in July.

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 November 17, 2025 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
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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PAL – UNIFORM PACKAGING AND LABELING REGULATION

NIST OWM Executive Summary for PAL-26.1 – Section 6.3 Net Quantity

NIST OWM Recommendation: Withdrawal

- NIST OWM recommends withdrawing this item as it does not belong in the Uniform Package and Labeling Regulations (UPLR) because it does not pertain to the net content regulation. Within the submitter's justification, it states that QR codes are “To enhance consumer safety and reduce the financial burden of product recalls by mandating dynamic QR codes unique to each production batch on consumer package labels.”
- All four regions have stated that this is not a WM issue. NIST OWM, in consultation with the FDA, agrees that QR codes do not fall under the Net Content Fair Package and Labeling Act (FPLA) and the UPLR regulations.

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: Voting

- NIST OWM believes this item is fully developed and ready for a Vote with amended language changes shown in the detailed analysis. This language change directly aligns to 49 CFR § 178.35. NIST OWM, DOT, and Industry agree that the proposed language is correct and aligns with the current DOT regulation.
- NIST Handbook 130 Section 2.16.3.1 does not reflect the most current regulation for allowable differences in LPG Tare Weights. Accepting the proposed language will harmonize NIST Handbook 130 with the DOT regulations. As it stands, the NIST Handbook 130 Method of Sale is in conflict with **49 CFR § 178.35**, which would invoke federal preemption if a user were to follow the current HB 130 regulation.
- The NCWM is a standard-setting organization and needs to reflect the most current regulations as they pertain to Laws, Regulations, and devices. Our mission is to ensure equity and Uniform standards.

NIST OWM Executive Summary for MOS-26.2 – 2.21.2. Metered Sales by Liquid Volume**NIST OWM Recommendation:** Developing

- NIST OWM recommends this item as Developing. To ensure equity in the marketplace, ATC systems must meet the accuracy requirements specified in NIST Handbook 44. The Method of Sale only determines how a product is to be sold; in this case, when LPG is sold by volume, it must be a temperature-compensated volume. The sale of LPG by temperature compensation has been a requirement in NIST HB 130 since 1986; however, automatic means of temperature compensation was only required on meters with a flow rate of more than 20 gallons a minute. In January of 2026, all new meters must have a means to automatically temperature compensate, and in January of 2034, all meters must have a means to automatically temperature compensate. An unintended consequence of this requirement has been identified by the National Propane Gas Association (NPGA). It is suspected that systems with mechanical ATC, when filling 20 lb cylinders (flow rates of 20 gallons or less), may not perform accurately because the ATC mechanism doesn't operate properly when small volumes are measured. When jurisdictions test and inspect LPG meters, they use provers with a capacity of 25 gallons or more per NIST HB 44 requirements. The normal test of these meters is at their maximum flow rate. When tested at the maximum flow rate, these meters are quite capable of performing within the accuracy requirements specified by NIST HB 44. Because the test doesn't verify performance at much smaller drafts, such as those required to fill a 20 lb. cylinder (roughly 3 gallons), the performance in this range is unknown. Therefore, it may be more appropriate to amend NIST HB 44 to properly test the ability of meters with ATC to perform accurately at these lower flow rates. This should eliminate those devices that cannot perform accurately, in which case, this item would be unnecessary.
- Industry is in the process of conducting a study on the effects of electronic vs mechanical ATC to further recommend devices suitable for these deliveries. NIST OWM eagerly awaits this study to provide the best solution moving forward.

NIST OWM Executive Summary for MOS-26.3 – Section 2.20 Gasoline and Gasoline Oxygenate Blends**NIST OWM Recommendation:** Developing

- NIST OWM recognizes that when blending ethanol and petroleum products, due to the physical characteristics of these products, a chemical change occurs, which results in a greater volume of the blended product than the sum of the volume of the separate products when corrected to the reference temperature of 15 °C (60 °F). This phenomenon has been recognized for some time, as evidenced by a presentation given during the 2007 CWMA Annual Meeting by Ron Hayes (MO Retired). The question before the weights and measures community is how best to quantify this phenomenon. There is a companion item on the S&T Interim Agenda, LMD 26.1, that would amend NIST Handbook 44 Section 3, 3.30 Liquid Measuring Devices. OWM would suggest these items proceed together, as they are interrelated.
- NIST OWM has provided some language change suggestions as the NCWM committees review these items. The language change can be found in our Detailed analysis below.

UPR – UNIFORM UNIT PRICING REGULATION

NIST OWM Executive Summary for UPR-26.1 – Uniform Unit Pricing Regulation: Multiple Sections

NIST OWM Recommendation: Voting

NIST OWM recommends a voting status for this item as States should adopt UPR 26.1 as written in NCWM Publication 15.

The Uniform Unit Pricing Regulations:

- Enhances consumer transparency and combats “shrinkflation” by standardizing how value is displayed.
- Promotes national regulatory uniformity, reducing compliance burdens for retailers operating in multiple states.
- Modernizes state law to address e-commerce, electronic shelf labels, and current retail technologies using nationally vetted best practices.
- Strengthens enforcement and public confidence by aligning with the latest NIST/NCWM model language and guidance.

FLR – UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

NIST OWM Executive Summary for FLR-26.1 – 7.2. Reproducibility Limits

NIST OWM Recommendation: Voting

- The language provided section 7.2.2.1., more specifically, the word “exploitation”, is detrimental in its connotation. NIST OWM supports this item as voting with the following language suggestion:
- **7.2.2.1 Enforcement Action. - To ensure that the test methods’ defined reproducibility limits are applied in a technically consistent manner by all regulated parties, the Director may initiate enforcement action when several independent test results, of the same product sampled from the same source location at different times, are exceeding legal limits (such as specification values, posted values, certified values, or registered values).**
(Added 202X)

ECM – UNIFORM E-COMMERCE REGULATION

NIST OWM Executive Summary for ECM-26.1 – Section 2. Definitions, Section 3. Required Declarations for E-commerce Sites Offering Products for Sale, Section 5. Unit Pricing Requirements on E-Commerce Sites for Products Offered for Sale, Section 10. Prominence and Placement of Required Information on E-commerce Sites: Offering E-commerce Products for Sale

NIST OWM Recommendation: Voting

- Corrected the spelling of the word "for" in the Title.
- NIST OWM believes States should adopt EMC 26.1 because it:
 - Harmonizes model regulations with the NIST SP 1181 best practice framework, delivering clear, consumer friendly and uniform unit price presentation in all forums (in store, ESL, and e commerce)
 - Provides a technology avenue for electronic marketing and commerce, closing the gaps in unit pricing regulations that do not clearly cover apps, websites, and electronic shelf labels.
 - Reduces regulatory fragmented and compliance costs by aligning state requirements with nationally vetted model language and NIST guidance, supporting consistent enforcement and market fairness.

OTH – OTHER ITEMS**NIST OWM Executive Summary for OTH-24.1 A X. Uniform Shipment Law****NIST OWM Recommendation:** Assigned

- This item should be in the Weights and Measures (WAM) series, not Other (OTH) as the task group is recommending the item become a model “Uniform Shipping Law”.
- NIST OWM supports the task group and looks forward to their work. NIST OWM questions how this new law will coincide with the Federal regulations and which entity will handle disputes, in essence who the regulatory authority on interstate commerce if/when States have adopted this model law. We believe that prior to adoption this question needs to be answered. NIST OWM recommends the task group research the “Commerce Clause” to ensure no federal preemption.

NIST OWM Executive Summary for OTH-07.1 D Fuels and Lubricants Subcommittee**NIST OWM Recommendation:** Developing

- NIST OWM supports the Fuels and Lubricants subcommittee and looks forward to working with them on all developing items.

NIST OWM Executive Summary for OTH-11.1 – Packaging and Labeling Subcommittee**NIST OWM Recommendation:** Developing

- NIST OWM supports the Packaging and Labeling subcommittee and looks forward to working with them on all developing items.

NET – HANDBOOK 133**NIST OWM Executive Summary for NET-26.1 – Section 2.3.8.1 Table 2-3.
Moisture Allowances****NIST OWM Recommendation:** Status

- NIST OWM recommends this item be Withdrawn as moisture loss needs to be supported by industry wide data.

ITEM BLOCK 1 (B1) – FRESH FRUITS AND VEGETABLES

NIST OWM Executive Summary for B1: MOS-26.1 – 1.12. Ready-to-Eat Food

NIST OWM Recommendation: Withdrawal

- This agenda item moved through all four of the Regions and did not receive a status other than “Withdrawn” As per NCWM Membership Handbook (Appendix G Policy 3.3.2 Procedures to Modify Handbooks) more specifically Section C, 3. And D, 1. this item should not appear on the L&R NCWM agenda.
- Additionally, within the *NOTE* section of 1.12.1 Definition it is proposed that “**More than one of the same fruit or vegetable can be sold together by count in a single package so long as packaging containing the fruits and vegetables is translucent so that the consumer can visually inspect the product sold.** This directly contradicts the NIST Handbook 130 Package and Labeling Section whereby the Identity, Responsibility and the Quantity are required to be on the package. Furthermore, for the quantity to be fully informative it would need to meet Table 6.4 on the required terms and any net content statement that does not permit price and quantity comparisons is forbidden. The declaration of quantity of this particular commodity shall be expressed in the terms of weight or mass.

NIST OWM Executive Summary for B1: POL-26.1 – 2.3.2. Fresh Fruits and Vegetables

NIST OWM Recommendation: Withdrawal

- This agenda item moved through all four of the Regions and did not receive a status other than “Withdrawn” As per NCWM Membership Handbook (Appendix G Policy 3.3.2 Procedures to Modify Handbooks) more specifically Section C, 3. And D, 1. this item should not appear on the L&R NCWM agenda.
- Produce can not be sold in package form without meeting the three requirements of the Packaging and Labeling Regulations in NIST Handbook 130 (Identity, Responsibility and Net Quantity).
- Under POL - 26.1 2.3.2. Fresh Fruits and Vegetables the proposed language “Under this section, if a produce item is allowed to be sold by count, and more than one of the same commodity is enclosed in a translucent package, including but not limited to clear polyethylene bags, containers, or wraps, the commodity may be sold by the total count” would not meet the requirements in the Package and Labeling section of Handbook 130. This directly contradicts the NIST Handbook 130 Package and Labeling Section whereby the Identity, Responsibility and the Quantity are required to be on the package. Furthermore, for the quantity to be fully informative it would need to meet Table 6.4 on the required terms and any net content statement that does not permit price and quantity comparisons is forbidden. The declaration of quantity of this particular commodity shall be expressed in the terms of weight or mass.

ITEM BLOCK 4 (B4) – MOISTURE ALLOWANCE CONSIDERATION**NIST OWM Executive Summary for B4: POL-25.1 A 2.6.12. Point-of-Pack Inspection Guidelines**

NIST OWM Recommendation: Assigned

- NIST OWM supports the task group and looks forward to their work.

NIST OWM Executive Summary for B4: NET-25.1 A 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

NIST OWM Recommendation: Assigned

- Need to remove the following from the title: **4.10.2.2. Moisture Shrinkage Allowance Consideration for Structural Plywood and Wood-based Structural Panels, 4.11.2.1. Shrinking Allowance Consideration**