

Appendix B

NIST Handbook 130 – Uniform Regulation for the Method of Sale Commodities

Item:

- 232-4: Uniform Regulation for the Method of Sale of Commodities, 2.33. Vehicle Motor Oil
- 237-4: Uniform Engine Fuels and Automotive Lubricants Regulation, 3.13.1. Labeling of Vehicle Motor Oil

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May 1, 2012

Standards Department
American Petroleum Institute
1220 L Street, NW
Washington, DC 20005

Re: API 1525A, First Edition, December 2011

Dear Sir/Madam:

These comments to API 1525A (First Edition, December 2011) are submitted on behalf of the Automotive Oil Change Association (AOCA), the national representative for 3,873 small business fast-lube facilities, all of which utilize bulk oil storage. As you know, in 2006, AOCA published fast lube industry best practices designed to prevent damages associated with fraudulent, substandard, and/or shorted-load bulk motor oil distribution. We find 1525A problematic for a number of reasons, most of which involve API's apparent misunderstanding of fast lube operations and consumers' lack of interest in API branding.

Fast lube operators need flexibility in product purchasing decisions

Although fast lubes generally stock bulk motor oil in compliance with the latest edition of 1509, attempting to impose it as an absolute mandate is impractical (7.1). Fast lubes service a wide variety of vehicles, many of which are quite old and getting older.¹ Therefore, when API publishes a new edition of 1509 and/or creates a new service category, a reasonable phase-in period may be necessary to accommodate older vehicle owners' needs; i.e., it may be in their best interests—both functionally and economically—to use motor oil developed in accordance with an earlier edition or service category so long as the automobile manufacturer originally recommended it and its continued use has no impact on any remaining warranty coverage. In addition, for fast lube operators to automatically upgrade bulk oil stock at API-determined intervals would be tantamount to giving API control over the price of oil change services regardless of what the market can bear. When has the cost of a new motor oil ever gone *down*?

AOCA would also like to know how automobile manufacturers' proprietary motor oils fit into the concept of compliance with the latest edition of API 1509? If these proprietary products are superior as some allege, then shouldn't the API requirement be changed to read "*meets or exceeds* the latest edition of API 1509"? It is important to keep in mind that fast lubes follow automobile manufacturer recommendations; if a conflict arises between API and the automobile manufacturer, the latter wins.

Fast lubes should get the oil they order and pay for

AOCA already recommends that fast lubes order bulk product in writing and obtain a written receipt verifying that the product they ordered was the one delivered. The terms that must be specified include brand name (if any), viscosity grade, performance level, quantity, and API service category. AOCA questions, however, API's requirement to include "API-license status" (7.2.1). Does API actually test the motor oil associated with every application for API certification? If so, adding a reference to "API-license status" could have a positive, substantive impact at the install level. If not, adding that reference seems like a technicality designed to support API's brand

¹ The average age of U.S. cars on the road in 2011 was 11.1 years, according to the Polk Research Firm.

without any particular value to the installer or end consumer. Is it possible for motor oil to comply with the latest edition of 1509 without being licensed by API?

AOCA would also like to know why installers are required to use specific ordering terms when distributors have complete authority to designate how the oil will be described on their drop ticket and invoice (7.2.2)? Uniformity of terms in documentation would help everyone in the chain as well as prevent installers from needing to chase after distributors in order to “ensure” receipt of the correct order. Additionally, why would the installer request that the distributor notify him/her every time the information in 7.2.1 changes (7.2.3)? The order terms are part of the contract. If the distributor isn’t going to be able to meet its contractual obligations, then it’s in breach unless it can secure an alternate agreement with the installer. Fast lubes will not agree to alter this basic contractual relationship by going along with API’s creation of a new duty for installers to *request* distributor notification of failure to meet contract terms. And last, 7.2.1 cross-references 5.3.2.1, which doesn’t exist.

Fast lube operators shall maintain control over their operations

Receiving Practices: If specifically requested to do so, a distributor *may* assist a fast lube operator in labeling bulk oil tanks and related equipment, but access will not be guaranteed as required in 7.4.1. Bulk engine oil equipment at fast lubes is labeled and maintained in accordance with applicable laws, necessity, and private arrangements between individual fast lube operators and their distributors. Similarly, while a fast lube operator *may* coincidentally undertake similar procedures to the cross-referenced API 1525, that guideline is designed for distributors and, therefore, does not belong in the installer section of 1525A (7.4.2). Placing a distributor guideline inside an installer requirement can lead to confusion and disputes among participants.

Section 7.4.2 would require installers to confirm that the brand name, SAE viscosity grade, API service category, and quantity of engine oil being delivered matches the product ordered *prior* to allowing the distributor to dispense anything. How are they supposed to do that when 1525A gives the distributor total control over the information presented on its drop ticket and invoice? Are installers supposed to take the distributor’s word for it? Also, although the installer may be able to verify whether the quantity listed matches the order—assuming the distributor sees fit to list the quantity on its documentation—the only way to determine if the distributor actually dispenses the right amount of oil is to measure the subject tank before and after delivery, and/or to check the truck driver’s meter head to make sure it is zeroed out.

Lastly, having the installer maintain documentation and tote samples is a compelling idea, but impractical. The average fast lube facility has neither room to store oil samples nor off-site facilities to transfer them to. Maintaining a “paper trail” might be possible if it were instead a “byte” trail of digital content, but even then care must be taken to ensure the requirements don’t become too onerous since fast lubes generally don’t have dedicated administrative support staff.

Installation: Fast lube operators already provide clear and accurate oil change options to consumers (7.5.1). However, the mere inclusion of a requirement to do so in this best practices document leads AOCA to wonder if there isn’t something specific API wants to see. AOCA would appreciate receiving a clarification from API as to their concept of how one “clearly and accurately” represents oil change options.

Customer Receipts: Fast lubes *may* choose to identify API service category and API license status of oil installed on customer receipts, but inclusion of such information will not be guaranteed as required in 7.6. In the vast experience of fast lube operators nationwide, the average consumer does not recognize the acronym API and, therefore, including it adds no value.

House Brand Clarification Request: AOCA would appreciate clarification regarding API’s preference that installers describe all “house” brand motor oil as “unlicensed.” First, what is API’s definition of “house” brand? Second, is it API’s position that an installer who uses the general house brand description for API-licensed oil is committing some sort of actionable misrepresentation? If so, this issue should not be handled in a voluntary best practices document that is—for reasons described above—unlikely to attract significant fast lube operator participation. AOCA would prefer to have an open discussion of any infractions perceived by API and to assist in industry education on the subject if appropriate.

**Cost/benefit ratio may not support buy-in absent enforcement functions
and significant consumer outreach**

Although compliance with 1525A is voluntary, it is AOCA's understanding that API will only list installers as compliant if they pay a fee. How much is the fee? Is it a one-time payment or an annual requirement? Has API considered a tiered fee structure to reflect the difference between oil company-owned facilities and independent facilities? Do facilities in the paid version of the program receive inspections to verify the validity of the program or is it a pay-to-play scenario similar to the Better Business Bureau? i.e., pay the fee and get a sticker. Although Better Business Bureau doesn't actually perform any concrete approval process, they will investigate consumer complaints. What will API do to investigate consumer complaints? What will API do to investigate an installer's complaint against a participating distributor?

How does API plan to market this program to consumers? If consumers don't automatically recognize the value of fast lube operators participating in 1525A, then there is little incentive for fast lube operators to do so. As mentioned previously, fast lube operators nationwide report that customers don't recognize the acronym "API." Moreover, automobile manufacturers' proprietary products and services mandates tend to eclipse the importance of all other organizations' recommendations. How will API get past that to instill a concept of inherent value in consumers' minds?

AOCA appreciates the opportunity to submit comments to 1525A and looks forward to future discussions with API regarding the best ways to prevent bulk oil distribution fraud.

Sincerely,

Patricia Wirth
AOCA President

cc: Kevin Ferrick

FTC Consumer Alert

Federal Trade Commission • Bureau of Consumer Protection • Division of Consumer & Business
Education

Auto Warranties, Routine Maintenance, and Repairs: Is Using the Dealer a Must?

If you own a car, you know how important it is to keep up with routine maintenance and repairs. But can a dealer refuse to honor the warranty that came with your new car if someone else does the routine maintenance or repairs?

The Federal Trade Commission (FTC), the nation's consumer protection agency, says no. In fact, it's illegal for a dealer to deny your warranty coverage simply because you had routine maintenance or repairs performed by someone else. Routine maintenance often includes oil changes, tire rotations, belt replacement, fluid checks and flushes, new brake pads, and inspections. Maintenance schedules vary by vehicle make, model and year; the best source of information about routine scheduled maintenance is your owner's manual.

What is a warranty?

A warranty is a promise, often made by a manufacturer, to stand behind its product or to fix certain defects or malfunctions over a period of time. The warranty pays for any covered repairs or part replacements during the warranty period.

Do I have to use the dealer for repairs and maintenance to keep my warranty in effect?

No. An independent mechanic, a retail chain shop, or even you yourself can do routine maintenance and repairs on your vehicle. In fact, the Magnuson-Moss Warranty Act, which is enforced by the FTC, makes it illegal for manufacturers or dealers to claim that your warranty is void or to deny coverage under your warranty simply because someone other than the dealer did the work. That said, there may be certain situations where a repair may not be covered. For example, if you or your mechanic replaced a belt improperly and your engine is damaged as a result, your manufacturer or dealer may deny responsibility for fixing the engine under the warranty. However, according to the FTC, the manufacturer or dealer must be able to demonstrate that it was the improper belt replacement — rather than some other defect — that caused the damage to your engine. The warranty would still be in effect for other parts of your car.

Will using 'aftermarket' parts void my warranty?

No. An 'aftermarket part' is a part made by a company other than the vehicle manufacturer or the original equipment manufacturer. Simply using an aftermarket part does not void your warranty.

The Magnuson-Moss Warranty Act makes it illegal for companies to void your warranty or deny coverage under the warranty simply because you used an aftermarket part. Still, if it turns out that the aftermarket part was itself defective or wasn't installed correctly, and it causes damage to another part that is covered under the warranty, the manufacturer or dealer has the right to deny coverage for that part and charge you for any repairs. The FTC says the manufacturer or dealer must show that the aftermarket equipment caused the need for repairs before denying warranty coverage.

Tips To Avoid Warranty Issues

Here's how to get the most out of your vehicle's warranty:

- **Read your warranty.** Often bundled with your owner's manual, the warranty gives a general description and specific details about your coverage. If you have misplaced your owner's manual, look for it online. Check the "Owners" section of your manufacturer's website.
- **Be aware of your warranty period.** If problems arise that are covered under the warranty, get them checked out before the warranty expires.
- **Service your car at regular intervals.** This is a good idea in any case. But for the sake of keeping your warranty intact, follow the manufacturer's recommended service schedule. Details are in your owner's manual.
- **Keep all service records and receipts, regardless of who performs the service.** This includes oil changes, tire rotations, belt replacement, new brake pads, and inspections. Create a file to keep track of repairs; it will come in handy if you have to use your warranty. If you ever have a warranty claim and it appears that you did not maintain your vehicle, your claim could be denied.
- **Complain.** If you think a dealer's service advisor denied your warranty claim unfairly, ask to speak with a supervisor. If you still aren't satisfied, contact the manufacturer or go to another dealer. You also may wish to file a complaint with your state Attorney General, local consumer protection office, local Better Business Bureau, or the FTC.

For More Information

Visit ftc.gov for free information on buying, financing, leasing, renting and maintaining vehicles.

The FTC works to prevent fraudulent, deceptive and unfair business practices in the marketplace and

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to provide information to help consumers spot, stop and avoid them. To file a complaint or get free information on consumer issues, visit ftc.gov or call toll-free, **1-877-FTC-HELP** (1-877-382-4357); TTY: 1-866-653-4261. Watch a new video, *How to File a Complaint*, at ftc.gov/video to learn more. The FTC enters consumer complaints into the Consumer Sentinel Network, a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

December 2010



July 11, 2012

Submitted via electronic mail

Ms. Judy Cardin, Chair
NCWM Laws & Regulations Committee
Judy.cardin@wisconsin.gov

Re: Actions proposed in the L&R 2012 Interim Report affecting the Fast Lube Industry

Dear Ms. Cardin:

The following comments are submitted for your consideration on behalf of the Automotive Oil Change Association (AOCA), which represents the North American fast lube industry and now has a representative—Dr. R. Scotti Lee—on the NCWM Fuels & Lubricants Subcommittee. The proposed actions of immediate concern to AOCA are in the L&R Interim Report Sections 232-4 (pages 29-31) and 237-4 (pages 47-51): both of these sections contemplate amendments to vehicle motor oil labeling standards that could be seriously detrimental to both the fast lube industry and consumers.

The Fast Lube Industry

The fast lube industry plays a major role in the automotive maintenance delivery system, providing an estimated 118 million oil changes annually in the United States alone. The estimated 16,531 facilities purchase more than \$4 billion in products annually from oil companies, filter manufacturers, computer and software manufacturers, and additive manufacturers. In order to implement the services associated with these products, the fast lube industry employs over 100,000 men and women with an estimated payroll of \$2.5 billion.

Among the various businesses that comprise the automotive maintenance sector, the fast lube industry has the distinction of servicing a large percentage of the motoring public while operating on small margins. Consumers rely on fast lube service because of a simple cost/benefit analysis: regular oil changes are the best and least expensive way to keep a vehicle in good working condition. Fast lubes are able to keep the service inexpensive because of streamlined operations combined with customer volume and the reasonable cost keeps customers coming back on a consistent basis.

Another factor distinguishing fast lubes from other service providers (like automobile dealerships) is that, in order to remain competitive, fast lubes must be capable of servicing the entire vehicle fleet rather than one or two makes. Every car on the road regardless of make, model, and year can get excellent service from conveniently located fast lube facilities nationwide so long as regulators don't inadvertently dig ditches in "the playing field" of competition for the motoring public's patronage.

L&R 2012 Interim Report Section 232-4; Labeling of Vehicle Motor Oil in *NIST Handbook 130*, Method of Sale Regulation

AOCA has several questions and concerns regarding the recommended amendments to the Method of Sale Regulation under the section entitled 2.33.1 Labeling of Vehicle Motor Oil. First, AOCA requests clarification as to whether the repeated reference to “motor oil container” includes any form of pre-packaged goods. If it does, AOCA urges NCWM to recognize that installers have no control over the packaging description of packaged goods and, therefore, should have no responsibility for whether packaged goods comply with section 2.33.1. Fast lubes follow vehicle manufacturers’ recommendations for fluids, including motor oil, which means they may carry a wide variety of packaged motor oils to accommodate very old, very new, and specialty vehicles. It is important that NCWM not destroy automotive service providers’ ability to provide consumers with the products intended for their vehicles because the manufacturers of those products don’t comply with proposed section 2.33.1.

With regard to subsection 2.33.1.3 Brand, AOCA requests clarification as to what is meant by the following sentence: “The label on a vehicle motor oil container and the invoice or receipt from service on an engine that includes the installation of vehicle motor oil dispensed from a receptacle, dispenser, or storage tank *shall contain the name, brand, trademark, or trade name of the vehicle motor oil*” (emphasis added). Does that mean the receipt should list either the name or brand or trademark or trade name? Or does it mean that the receipt should list the name, brand, and trademark or alternatively the trade name alone? In any case, AOCA urges NCWM to eliminate the trademark requirement from the list as oil companies have been notoriously difficult to work with regarding trademark usage. Listing of trade name should suffice for identification purposes.

With regard to subsection 2.33.1.4.1, AOCA is concerned that this subsection could be used to prevent automotive service providers from providing consumers with the motor oil intended for their vehicles. As mentioned above, the fast lube industry services the entire vehicle fleet. The average age of cars in the current fleet is eleven years old and it is not unusual for fast lubes to have customers with vehicles twice that age. The fact is American consumers are hanging onto their vehicles longer than API is hanging onto its service categories. When API designates a motor oil category as inactive or obsolete, that doesn’t mean the consumers with vehicles designed to use that category turn in their cars or otherwise want to buy a more expensive grade of motor oil going forward. Therefore, a category of motor oil designed to work for particular makes and models of vehicles should not be considered “obsolete” with respect to those particular vehicles regardless of API’s time table for listing categories as inactive or obsolete.

Another example of how the “inactive/obsolete” designation doesn’t reflect real life involves the growing trend of automakers developing their own proprietary oil standards. Instead of an API rating, many of these oils are rated by ACEA. Even if some of these oils do have an API/ILSAC rating, they would be technically “obsolete” under the proposed regulation, which would create an extremely confusing dichotomy: the exact recommended oil for a vehicle should be sold as “obsolete”?

Installers should not be forced to designate vehicle-appropriate motor oil as “inactive” or “obsolete” on tanks and receipts because it would have a chilling and/or discriminatory effect on consumers’ opinion of the operators. Consumers don’t recognize API but a term like “inactive” could only be understood as negative. It is not reasonable to expect the average consumer and small business operator to have a twenty-minute in-depth discussion over the distinction between inactive and active API service categories and how an “inactive” designation doesn’t mean the type of oil originally recommended for the consumer’s car is suddenly now bad for it.

The new standard phase-in factor must be considered as well. The standard referred to subsection 2.33.1, SAE J183, cross-references API 1509. When API publishes a new edition of 1509 and/or creates a new service category, a reasonable phase-in period is necessary to accommodate older vehicle owners' needs; i.e., it may be in their best interests—both functionally and economically—to use motor oil developed in accordance with an earlier edition or service category so long as the automobile manufacturer originally recommended it and its continued use has no impact on any remaining warranty coverage. For fast lube operators to automatically upgrade bulk oil stock at API-determined intervals would be tantamount to giving API control over the price of oil change services regardless of what the market can bear.

In consideration of the problems outlined above, AOCA urges NCWM to include a clarifying sentence in 2.33.1.4.1 as follows: “NOTE: no cautionary statement per SAE J183 or other negative designation such as ‘obsolete’ or ‘inactive’ shall be necessary where the motor oil used is in the category of motor oil originally designated for the consumer’s vehicle.”

Lastly, it is imperative that any installer labeling and/or receipt information requirements be matched by corresponding NCWM requirements for motor oil distributors. Installers cannot purport to verify via any form of documentation information that distributors have not documented at delivery. For NCWM to require otherwise would be manifestly unfair to installers by subjecting them to liability for the bad acts of distributors without any paperwork trail to rely upon in their own defense.

L&R 2012 Interim Report Section 237-4; Labeling of Vehicle Motor Oil in *NIST Handbook 130, Engine Fuels and Automotive Lubricants Regulation*.

AOCA’s questions and concerns with this section are identical to those described above with regard to L&R 2012 Interim Report Section 232-4. AOCA urges NCWM to include a clarifying sentence in subsection 3.13.1.4.1 as follows: “NOTE: no cautionary statement per SAE J183 or other negative designation such as ‘obsolete’ or ‘inactive’ shall be necessary where the motor oil used is in the category of motor oil originally designated for the consumer’s vehicle.”

Potential Overlap with the Motor Oil Matters Program/API Standard 1525A

To the extent that any of the proposed actions in the L&R 2012 Interim Report relate to or rely upon the future private enforcement of the Motor Oil Matters (MOM) Program, AOCA urges NCWM to table consideration pending resolution of serious issues associated with the program as it relates to installers. AOCA has submitted detailed objections and suggested amendments to the American Petroleum Institute (API)’s draft Standard 1525A, which will be the basic standard for the MOM Program. One of the primary reasons AOCA objects to 1525A is that it requires installers—fast lubes—to verify information controlled by distributors that distributors are not required to provide. Any chain of custody regulation aimed at preventing fraud must apply information and verification requirements *equally* throughout the chain: fast lubes cannot be expected to verify brand to consumers if distributors are not required to first verify that brand upon delivery.

AOCA developed its own bulk oil delivery guidelines back in 2006 because no one wants to prevent bulk motor oil distribution fraud more than fast lube operators. Should a product quality problem occur with packaged goods, it’s relatively easy to trace the goods back to the manufacturer. However, this is not the case with motor oil transported in bulk; it all looks alike, it may have “changed hands” numerous times before reaching the fast lube facility, and even with testing can be impossible for a fast lube to verify because oil companies use chemical markers that only they can identify. Since motor oil specifications have become so precise—and so expensive—fast lube operators stand to lose thousands of dollars every time a distributor delivers a lesser product. Moreover, when a distributor delivers the wrong

product, it's the fast lube operator who gets stuck holding the bag for consumer claims. It can take weeks before a bad load is detected and by then anywhere from 500 to 700 customers have been serviced. The remedy? All of the customers must be called back and re-serviced for free before any damage occurs.

AOCA's Guidelines were developed to prevent such horrendous events:

Product Order Specificity: When placing an order for bulk motor oil, fast lube operators should specify the brand (if any), viscosity grade, performance level, and quantity of motor oil they wish to purchase. If an operator means to purchase the highest performance level of motor oil, which is required for vehicles under warranty, then he/she specifies, for example, API SN / ILSAC GF-5 until the next performance level of motor oil is due. (Note: This specification is important because it is legal for distributors to sell motor oil with lower performance levels; i.e., SA, SB . . . SJ, etc.) All of this information—brand, viscosity grade, performance level, and quantity—should appear on every written and/or digital summary memorializing a purchase. It is recommended that operators purchase motor oil meeting the specifications required by the automaker for the model year of vehicles being serviced.

Purchase Documentation: Although it has been a long standing industry practice to verbally order and re-order bulk motor oil products, fast lube operators who want the ability to verify orders placed should either request a written summary of each purchase order from their supplier or draft their own dated summary, including a supplier initial line, and fax or email it to their supplier for verification.

Delivery Procedure – Measuring the Tanks: Taking tank measurements assists with inventory control and gives the operator the ability to double-check the distributor's measurement of product delivered. Prior to receiving a bulk delivery of motor oil, a fast lube operator simply measures via tank gauge or other measurement device the contents of the tank(s) into which the motor oil will be dispensed. The operator may also check the delivery truck driver's meter-head to make sure it's zeroed out. After delivery, the operator takes the same measurements again. Keeping this information in an ongoing log at the fast lube facility provides valuable documentation in the event of a dispute.

Delivery Procedure – Verifying Distributor Documentation: Prior to allowing a distributor to dispense product into the fast lube facility tank(s), an operator should seek the following information in writing and/or digital form (i.e., email or cell phone/tablet scan) from the driver:

- (1) The brand (if any), viscosity grade, performance level, and quantity of motor oil being delivered;
- (2) The names, addresses, contact personnel, and phone numbers of every facility that has come in contact with the shipment of motor oil from the original supplier down to the distributor currently onsite;
- (3) An agreement by the distributor to take direct responsibility for any and all fast lube customers affected by the delivery of product that does not meet the standards (taking into account any commercially-accepted degree of variation) of the product ordered by the fast lube operator; and
- (4) An acknowledgment by the distributor that an actual sample of the load (i.e., a "retain") has been taken from the truck as the product was being delivered and that this sample will be retained by the distributor for at least a year.

Have any distributors been willing to provide the basic documentation described above? No. Is API proposing to require it in Standard 1525A? No. Is NCWM contemplating inclusion of these points in its regulation? No. The oil companies and distributors who seem very interested in fraud prevention—at

least according to NCWM’s regulatory history on this subject—do not, however, seem interested in doing much about it themselves. Their emphasis has been placed on the install level as if all bulk motor oil distribution fraud risk lies there alone. This is simply not true and behaving as if it were is a tremendous waste of a legitimate regulatory opportunity to establish a fair chain of custody system that protects everyone equally. After all, fast lubes are the customers of oil distributors just as household vehicle owners are the customers of fast lubes and oil distributors are the customers of oil companies. Either all of these “customers” are protected by the system or none of them are.

Another of AOCA’s primary objections to draft Standard 1525A involves API’s lack of routine distributor testing. For reasons described in detail above, a chain of custody standard has no real value to fast lubes unless it has a mechanism to identify problems with distributors’ bulk oil *before* it reaches the install level. Once it reaches the install level, it’s too late. API has provided no indication to AOCA that it plans to engage in anything other than an after-the-fact complaint process and the occasional random testing of distributors, which is a lot like a shark with no teeth: a bad actor might get caught once in awhile, but he’d have to be so far out in the open as to get swallowed whole. For further information on this subject, AOCA’s entire set of comments and suggested amendments to draft 1525A accompanies this submission. Again, AOCA urges NCWM to table any pending actions that rely upon connection to the MOM Program/1525A until such time as the problems outlined above have been solves.

Clarification of Regulatory History on Brand Identification Requirements

The existing regulatory history regarding the rationale for adding brand identification on service receipts indicates that it is necessary for automobile warranty purposes: “consumers would not have the required information to verify warranty work if product identity is removed from the proposal.” (L&R 2012 Interim Report at 50) This reflects an all too common misunderstanding. In fact, the federal Magnuson Moss Warranty Act specifically prohibits automobile manufacturers from creating product “tying” arrangements under their warranties. The only exceptions to this rule require the manufacturer to either give the tied product to the consumer for free or obtain a waiver from the FTC after having first proven that only the tied product will allow the warranted product to function properly. The latter option has never been accomplished by an automobile manufacturer, and the former, if offered, would place consumers outside the normal service arrangement where buying motor oil is a factor.

AOCA would very much appreciate it if the L&R Committee and/or the Fuels & Lubricants Subcommittee would formally disconnect the issue of requiring brand on receipts from automobile manufacturers’ warranty requirements. Something to the effect of the following sentence would be helpful:

“Despite prior subcommittee discussion on this subject, the Magnuson Moss Warranty Act prohibits manufacturers from tying branded products to warranty coverage and, therefore, NCWM’s sole purpose in requiring motor oil brand designation on receipts would be to promote anti-fraud, chain of custody measures.”

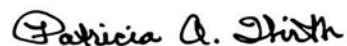
For your reference, a copy of the Federal Trade Commission’s most recent Magnuson Moss Warranty Act Bulletin accompanies this submission.

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Conclusion

AOCA appreciates this opportunity to submit comments on these crucial issues. If you have any questions or concerns regarding this submission or require additional information, please contact the undersigned at 1-800-331-0329.

Sincerely,

A handwritten signature in black ink that reads "Patricia A. Wirth". The signature is written in a cursive style with a large initial 'P'.

Patricia Wirth
AOCA President

cc: Ron Hayes, Chair, Fuels & Lubricants Subcommittee



Kevin Ferrick

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July 13, 2012

Judy Cardin
Chair, National Conference on Weights and Measures
Laws and Regulations Committee

Dear Ms. Cardin:

API received a copy of the July 2012 letter the Automotive Oil Change Association sent to you regarding items 232-4 and 237-6 currently under consideration by the National Conference on Weights and Measures Laws and Regulations Committee. I believe a number of comments made in the letter are incorrect and merit a response. For ease of reference, I have excerpted specific AOCA statements (in *italics*) and then follow with my response.

AOCA: Does that mean the receipt should list either the name or brand or trademark or trade name? Or does it mean that the receipt should list the name, brand, and trademark or alternatively the trade name alone?

Ferrick: Yes, the receipt should list name or brand or trademark or trade name. One is sufficient. It's at the installer's discretion.

AOCA: When API designates a motor oil category as inactive or obsolete, that doesn't mean the consumers with vehicles designed to use that category turn in their cars or otherwise want to buy a more expensive grade of motor oil going forward.

Ferrick: API service categories generally are declared obsolete when the tests used to verify the oil's performance are no longer available. API does not advocate preventing oil marketers from manufacturing and selling oils meeting an obsolete standard, but if such oils are being used, consumers deserve to know that there is currently no way to verify through ASTM engine testing the claims made for the oils. The API industry standard for engine oil performance, API 1509, *Engine Oil Licensing and Certification System*, requires engine testing to establish that an oil meets the requirements for a current API service category. Oils claiming to meet an obsolete category such as API SG are either formulated based on perhaps 20-year-old data or crafted using engineering judgment.

Consumers also deserve to know that, for most automobiles, the latest API service category meets or exceeds the performance level of the previous categories. This means an API SL, SM, or SN oil will meet or exceed API SG, SH, and SJ performance requirements.

An equal opportunity employer



AOCA: It is recommended that operators purchase motor oil meeting the specifications required by the automaker for the model year of vehicles being serviced.

Ferrick: Deletion of references to an oil's obsolete status and deference to the vehicle manufacturer's original oil recommendation may not address the issue. With the introduction of the API Starburst in 1993, vehicle manufacturers began recommending in their owners' manuals that owners use oil bearing the API Starburst certification mark rather than recommending specific API service categories. The Starburst mark is evergreen, meaning it is used for the most recently approved engine oil standard. Therefore, in the common case of a vehicle manufacturer that has recommended the Starburst sometime in the last 20 years, deferring to the vehicle manufacturer's original oil recommendation may not give consumers the information they need to make an informed decision on the right oil for their vehicle.

If an installer carries inventory of older category oils in bulk, the possibility of misapplication in cars needing oils meeting more recent categories is likely increased. Requiring the information in the revised HB 130 language may help prevent misapplication.

AOCA: fast lube operators who want the ability to verify orders placed should either request a written summary of each purchase order from their supplier or draft their own dated summary, including a supplier initial line, and fax or email it to their supplier for verification.

Ferrick: API adopts its consensus industry standards through an open, transparent process that responds directly to all technical comments, whether submitted by oil marketers, distributors, installers, or other interested parties. In response to AOCA's comments on the previous ballot of API 1525A, *Bulk Engine Oil Chain of Custody and Quality Documentation*, API plans to conduct an open ballot on the provisions shown in the attached draft API 1525A.

AOCA: (1) The brand (if any), viscosity grade, performance level, and quantity of motor oil being delivered;

(2) The names, addresses, contact personnel, and phone numbers of every facility that has come in contact with the shipment of motor oil from the original supplier down to the distributor currently onsite;

(3) An agreement by the distributor to take direct responsibility for any and all fast lube customers affected by the delivery of product that does not meet the standards (taking into account any commercially-accepted degree of variation) of the product ordered by the fast lube operator; and

(4) An acknowledgment by the distributor that an actual sample of the load (i.e., a “retain”) has been taken from the truck as the product was being delivered and that this sample will be retained by the distributor for at least a year.

Have any distributors been willing to provide the basic documentation described above? No.

Ferrick: As part of the open development process of API 1525A, API has received comments from marketers, distributors, and installers confirming that distributors routinely provide the basic information in item 1 through bills of lading and other materials.

AOCA: Is API proposing to require it in Standard 1525A? No.

Ferrick: API 1525A requires or recommends 1, 2, and 4 above. API sets industry standards following procedures accredited by the American National Standards Institute. API’s *Procedures for Standards Development* do not permit API standards to include substantive allocations of business risk between buyers and sellers, such as guarantees and warranties. However, with the documentation required by API 1525A, the installer would be free to negotiate its own warranty provisions as it sees fit.

AOCA: Is NCWM contemplating inclusion of these points in its regulation? No.

Ferrick: API’s requested changes to the NCWM provisions are intended to provide consumers with basic product identity information.

AOCA: Their emphasis has been placed on the install level as if all bulk motor oil distribution fraud risk lies there alone. This is simply not true and behaving as if it were is a tremendous waste of a legitimate regulatory opportunity to establish a fair chain of custody system that protects everyone equally.

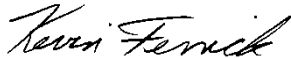
Ferrick: API is currently balloting a new, voluntary industry standard, API 1525A that will provide chain of custody guidance for the entire engine oil supply chain, for marketers, distributors, and installers. API appreciates AOCA’s technical comments submitted during the open standards development process of API 1525A, and API has incorporated most of AOCA’s suggested changes into a final draft form of API 1525A that is currently being balloted.

AOCA: API has provided no indication to AOCA that it plans to engage in anything other than an after-the-fact complaint process and the occasional random testing of distributors, which is a lot like a shark with no teeth: a bad actor might get caught once in awhile, but he’d have to be so far out in the open as to get swallowed whole.

Ferrick: Upon adoption of the final API 1525A, API intends to implement a voluntary industry certification program that will license distributors and installers to use an API “Motor Oil Matters” certification mark that will serve as a representation by the distributor or installer to its customers that the distributor or installer has implemented chain of custody requirements consistent with API 1525A. API will test distributors before licensing and conduct random sampling and testing of products at licensed distributors and installers for product identification. Additionally, as per AOCA’s comments on the draft API 1525A, API is currently balloting a final draft that includes a requirement for licensed distributors to maintain information on oils for at least 1 year. This requirement would include Certificates of Analysis and other quality information.

I appreciate the opportunity to respond.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Ferrick".

Kevin Ferrick
Manager, API Global Industry Services/EOLCS

Bulk Engine Oil Chain of Custody and Quality Documentation

DRAFT WITH BALLOT ITEMS JULY 2012

API 1525A

FIRST EDITION, XXXXXX 2012



AMERICAN PETROLEUM INSTITUTE

Bulk Engine Oil Chain of Custody and Quality Documentation

Downstream Segment

DRAFT WITH BALLOT ITEMS JULY 2012

API 1525A

FIRST EDITION, XXXXX 2012



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Foreword

API 1525A *Bulk Engine Oil Chain of Custody and Quality Documentation* provides procedures for managing bulk engine oil chain of custody to ensure oil quality from the point of manufacture to installation in the end user's vehicle. All parties involved with supplying finished bulk engine oil to consumers have a role in protecting the quality of the oil throughout the supply chain. Responsibility for quality starts with the marketer/blender and ends with the installer. The blender, the transporter/distributor and the installer that originally ordered the product have a role in ensuring the quality of the engine oil received matches the quality ordered.

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Suggested revisions are invited and should be submitted to the Standards Department, API, 1220 L Street, NW, Washington, D.C. 20005, standards@api.org.

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Bulk Engine Oil Chain of Custody and Quality Documentation

1 Scope

This document provides procedures for managing bulk engine oil chain of custody to ensure oil quality from the point of manufacture to installation in the end user's engine. The procedures specifically address the following key topics: marketer/blender practices; the ordering of oils meeting API 1509; chain-of-custody documentation that identifies bulk engine oil throughout the supply system; and requirements for informing consumers about the types of engine oil available for installation and requirements for notification (written and/or electronic) of the oil installed in engines.

All parties involved with supplying bulk engine oil to consumers (end users) have a role in protecting the quality of the oil throughout the supply chain. Responsibility for quality starts with the marketer/blender and ends with the installer. The marketer/blender, the distributor and the installer that originally ordered the product have a role in ensuring the quality of the engine oil received matches the quality ordered.

This document builds on procedures published in API Recommended Practice 1525, *Bulk Oil Testing, Handling, and Storage Guidelines*. API 1525 addresses storage and handling of bulk oil, facility and equipment standards, loading and unloading, comingling in distributor storage, multiple transporters between marketer/blender and oil-change facilities, personal safety equipment, training, and governmental requirements and reviews.

2 Normative References

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

API 1509¹, *Engine Oil Licensing and Certification System*

API 1525, *Bulk Oil Testing, Handling, and Storage Guidelines*

API Engine Oil Licensing and Certification System (EOLCS) Application for Licensure

ASTM D445², *Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity)*

ASTM D1500, *Standard Test Method for ASTM Color of Petroleum Products (ASTM Color Scale)*

ASTM D4052, *Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity)*

ASTM D4927, *Standard Test Methods for Elemental Analysis of Lubricant and Additive Components—Barium, Calcium, Phosphorus, Sulfur, and Zinc by Wavelength Dispersive X Ray Fluorescence Spectroscopy*

ASTM D4951, *Standard Test Method for Determination of Additive Elements in Lubricating Oils by Inductively Coupled Plasma Atomic Emission Spectrometry*

ASTM D5293, *Standard Test Method for Apparent Viscosity of Engine Oils Between 5 and 35°C Using the Cold Cranking Simulator*

¹ API, 1220 L Street, NW, Washington, DC 20005 USA

² ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428 USA

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ASTM D5762, *Standard Test Method for Nitrogen in Petroleum and Petroleum Products by Boat Inlet Chemiluminescence*

ASTM D5949, *Standard Test Method for Pour Point of Petroleum Products (Automatic Pressure Pulsing Method)*

ASTM D5950, *Standard Test Method for Pour Point of Petroleum Products (Automatic Tilt Method)*

ASTM D5985, *Standard Test Method for Pour Point of Petroleum Products (Rotational Method)*

ASTM D6362, *Standard Practice for Certificates of Reference Materials for Water Analysis*

ASTM D6481, *Standard Test Method for Determination of Phosphorus, Sulfur, Calcium, and Zinc in Lubrication Oils by Energy Dispersive X ray Fluorescence Spectroscopy*

ASTM D7279, *Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids by Automated Houillon Viscometer*

ISO 17050-1³, *Conformity Assessment — Supplier's Declaration of Conformity — Part 1: General Requirements*

SAE J300⁴, *Engine Oil Viscosity Classification*

3 Terms and Definitions

For the purposes of this document, the following definitions apply:

3.1 Terms

- a) May—indicates provisions that are optional and, consequently, are at the discretion of the designer or operator.
- b) Must—indicates important legal or safety considerations.
- c) Shall—indicates provisions that are mandatory to meet this API standard.
- d) Should—indicates provisions that are recommended but not mandatory. Implementation of these provisions will be made based on consideration of the following, as appropriate: (a) risk/benefit analysis, (b) company standards, (c) company experience, and (d) company philosophy.

3.2 Definitions

- a) API service category—is an engine oil designation (for example, API SM, SN, CH-4, CI-4, and CJ-4) that defines a specific level of performance as measured in engine and bench tests.
- b) Batch—is a delivery of finished engine oil from a marketer/blender to a distributor from a maximum of one vehicle, rail car or portable container. A delivery of the same product from multiple compartments from a single vehicle at the same time may be considered a single batch if loaded from a single storage tank.
- c) Bulk engine oil—is engine oil dispensed and delivered in metered quantities.
- d) Distributor—is the entity that stores and delivers to multiple users (other distributors or installers) finished engine oils obtained from another source or from a qualified in-house blending operation.
- e) Formulation—is a specific mixture of lubricant base stocks and performance additives (additive package), including treat levels of all components, that results in an engine oil.
- f) Installer—is the entity that puts engine oil into the engine of a consumer (end user).

³ ISO, 1, ch. de la Voie-Creuse, CP 56, 1211 Genève 20, Switzerland

⁴ SAE, 400 Commonwealth Drive, Warrendale, PA 15096-0001 USA

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- g) Licensable category—is an API service category listed in API 1509 as eligible for use in the API Service Symbol.
- h) Licensed formulation—is a formulation that meets the requirements of API 1509 for the service category claimed and is licensed by API.
- i) License status—is a statement that the formulation used to blend an engine oil is licensed or not licensed by API.
- j) Candidate Data Package – is a record of each test program conducted under the American Chemistry Council Code of Practice (see www.americanchemistry.com for details).
- k) Marketer/blender—is the entity that mixes engine oil base stocks and performance additives (additive package) to produce an engine oil.
- l) Ownership—is the top management position in the legal entity (private or corporate) responsible for all actions carried out by all distributors and/or installers owned or controlled by the entity.
- m) Product—is a marketer/blender's finished engine oil sold in bulk with a unique brand name, viscosity grade, and API service category.
- n) Product delivery—is the offloading of product to a distributor or installer's tanks or the transfer of product in a portable container to the distributor or installer's custody.
- o) Product identification information—is the unique marketer/blender's name, brand name, viscosity grade, API service category, and API licensure status that is specific to an engine oil or engine oils.
- p) Product quality—is defined as an engine oil's ability to meet API, OEM, industry, national or international specifications.
- q) Qualified formulations—are specific engine oil formulations identified by unique codes for which acceptable performance against API performance standards has been demonstrated. Proof of performance against API standards requires the successful completion of engine and bench tests.
- r) Quality assurance—is a program for the systematic monitoring and evaluation of the various aspects of a project, service, or facility to ensure that standards of quality are being met.
- s) Quality control—is the aggregate of activities (as design analysis and inspection for defects) designed to ensure adequate quality especially in manufactured products.
- t) Quality statement—is a document that confirms that an engine oil delivered meets the characteristics and performance level expected from the marketer/blender. The quality statement can be a Certificate of Analysis (C of A), Certificate of Conformance (C of C) or other document as agreed between the parties prior to product delivery.
 - 1) Certificate of Analysis (C of A)—is a certification report of the analysis performed to develop the certified values reported on the Certificate of Analysis. It shall list the test method(s) used for analysis and industry specification limits for tests listed, when available, for the engine oil(s) supplied (see latest edition ASTM D6362).
 - 2) Certificate of Conformance (C of C)—is a document that contains a Certificate of Conformity of a manufactured product. The certificate documents that the product conforms to manufactured specifications (see latest edition ISO/IEC 17050-1).

4 General Principles

4.1 Equipment for Handling, Sampling and Testing Engine Oils

Engine oils should be handled, sampled and tested in accordance with the latest edition of API 1525. At minimum, clean, dry, and clear glass or plastic bottles shall be used when making visual comparisons to reference samples for color, water, and contamination.

4.2 Procedures

Engine oil marketer/blenders, distributors and installers should have written procedures consistent with those described in the latest edition of API 1525.

5 Requirements for Marketer/Blenders Supplying Engine Oil to API-Certified Distributors

5.1 Basic Requirements for Marketer/Blenders

5.1.1 A marketer/blender shall have available for supply to distributors or installers engine oils that are in compliance with the latest edition of API 1509.

5.1.2 The marketer/blender shall clearly identify to all recipients for each engine oil to be supplied the API license status, API service category, SAE viscosity grade, and brand name. Notification may be made by paper or electronic record.

5.1.3 The marketer/blender shall verify an engine oil's license status by providing a valid copy of its Schedule A License Agreement or citing API's on-line Directory of Licensees (www.api.org/eolcs). Notification may be made by paper or electronic record.

5.1.4 The marketer/blender owning the brand name must maintain pertinent sections of the Candidate Data Package provided by the technology supplier sufficient to document the API service category of each formulation supplied.

5.1.5 Records required by this section shall be maintained a minimum of 6 months. Candidate Data Packages shall be maintained as long as the formulations the packages support are supplied.

5.2 Marketer/Blender Practices to Support Chain of Custody

5.2.1 Batch Quality and Tracking Management

The marketer/blender shall implement and maintain a quality testing and tracking system to allow identification of and assure conformance to the API service category claimed for every batch of engine oil delivered to distributors and installers.

5.2.1.1 Tracking System

The tracking system shall include, at minimum:

- a) A separate, unique code for each blend/batch.
- b) Blend code traceable to Part Q of the API Engine Oil Licensing and Certification System (EOLCS) Application for Licensure.
- c) Certificates of Analysis for components used in oil batches.
- d) Records of the results of quality certification testing (See 5.2.1.2) on each batch.
- e) Record of batches in a tank for a given day (identify the most recent two batches added to a tank).
- f) The customers for all deliveries made each day from each engine oil storage tank.

5.2.1.2 Batch/Quality Certification Testing

The marketer/blender shall run appropriate tests on each batch to certify the oil has been blended to meet identifiable properties. Tests should include the following (appropriate ASTM procedures, when available, are recommended):

- a) Kinematic viscosity at 100°C—ASTM D445 or D7279.
- b) CCS @ temperature for viscosity grade (defined in SAE J300)—ASTM D5293.
- c) Additive elements sufficient to confirm additive package and additive component level (Ca, Mg, P, Zn, Molybdenum, Na, B & N and/or others if appropriate)—ASTM D4951; D4927; and D6481, D5762 or D6443.
- d) Appearance (Visual).

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- e) Color (ASTM D1500).
- f) Specific gravity/density (ASTM D4052).
- g) Pour point (ASTM D5949, D5950, D5985).

5.2.1.3 Retain Samples

The marketer/blender shall retain at least 8 ounces of product from each blend, and these retain samples shall be traceable to the batch. The marketer/blender shall retain samples for a minimum of 3 months (up to 6 months is recommended) in an environment free from exposure to UV light to prevent deterioration and contamination.

5.3 Chain-of-Custody Documentation—Marketer/Blender Delivery to Distributor

5.3.1 Order Information

The marketer/blender shall provide a paper or electronic record with each sale of product that identifies the quality of the product. At minimum, the record shall include the following:

- a) Brand name.
- b) SAE viscosity grade.
- c) API service category.
- d) API license status (API-licensed or unlicensed). The API license status of the oil shall be confirmed by the distributor. API-licensed oils are listed on-line at www.api.org/eolcs.
- e) Information necessary to ensure traceability to product performance claim.

5.3.2 Bill of Lading

The marketer/blender shall provide a Bill of Lading, consisting of a paper or electronic record, for each oil delivery to each distributor or installer receiving an engine oil or oils. This Bill of Lading shall include the information below for each oil in each compartment delivered or the distributor shall be able to link to a system [for example, through product or stock-keeping unit (SKU) numbers] that defines the following:

- a) Marketer/blender name(s).
- b) Brand name(s).
- c) SAE viscosity grade(s).
- d) API service category.
- e) API license status (API-licensed or unlicensed).
- f) Oil quantity(s).
- g) Date of shipment.
- h) Delivery vehicle compartment from which oil is dispensed.

5.3.3 Quality Statement

5.3.3.1 The marketer/blender shall provide, if requested by an API-licensed distributor, a quality statement for all engine oil deliveries to the distributor at the time of product delivery. The quality statement shall certify that the product has been inspected and tested and conforms to established specifications. The person responsible for the product quality shall sign the quality statement either by actual signature or electronic identification.

5.3.3.2 The quality statement shall be in the form of a Certificate of Analysis (C of A), Certificate of Conformance (C of C) or other document as agreed between the parties prior to product delivery.

5.3.3.3 The quality statement should contain at least the following information about each engine oil being transferred:

- a) Marketer/blender name(s).
- b) Brand name(s).
- c) SAE viscosity grade.
- d) API service category.
- e) API license status (API-licensed or unlicensed).
- f) Date of shipment.

Oil quantity.

5.3.3.4 The C of A should include results from tests as agreed between the marketer/blender and the oil recipient (see 5.2.1). Examples of tests include the following:

- a) Kinematic viscosity at 100°C—ASTM D445 or D7279.
- b) CCS @ temperature for viscosity grade (defined in SAE J300)—ASTM D5293.
- c) Elemental analysis—ASTM D4951, D4927, D6481 or D5762.
- d) Appearance (Visual).
- e) Density, relative density by digital density meter (ASTM D4052) or API gravity by D1250
- f) Pour point (ASTM D5949, D5950, D5985).

The C of A should list industry specification limits for tests run, when available, for the engine oil(s) supplied. The marketer/blender and distributor shall agree on what test results will be shown in the C of A or C of C.

5.3.3.5 A C of C should contain a statement of conformity that states that the engine oils manufactured meet the industry standards claimed.

5.3.4 Retain Sample

The marketer/blender shall draw a minimum of 4 ounces of engine oil loaded onto the delivery vehicle. If the vehicle is loaded from more than one storage tank, the marketer/blender shall take a retain that represents product from each storage tank. Retain samples shall be traceable to the delivery, including the unique delivery vehicle identification and compartment number. Retain samples shall be retained for a minimum of 3 months (up to 6 months is recommended) from the date of shipment in an appropriate environment free from exposure to UV light to prevent deterioration and contamination.

5.3.5 Invoice

All invoices for engine oil delivered to a distributor shall contain at least the following information or link to a system (for example, through product or SKU numbers) that defines the following:

- a) Marketer/blender name(s).
- b) Brand name(s).
- c) SAE viscosity grade(s).
- d) API service category.
- e) Oil quantity(s).
- f) Date of shipment.

5.3.6 Record Retention

The marketer/blender shall maintain copies of the order, Bill of Lading, quality statement and invoice for at least 6 months in paper or electronic format.

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6 Requirements for Distributor of Bulk Engine Oil

6.1 General Requirements and Record Retention

6.1.1 This section applies to all bulk engine oils handled by the distributor. Records required by this section shall be maintained a minimum of ~~6 months~~ 1 year in paper or electronic format.

6.1.2 A distributor's engine oil offerings shall comply with the latest edition of API 1509.

6.2 Chain-of-Custody Documentation—Distributor Receipt of Engine Oil

6.2.1 Order Information

The distributor shall order engine oil from a marketer/blender by requesting and ensuring receipt of, at minimum, the information listed below:

- a) Brand name.
- b) SAE viscosity grade. c) API service category.
- d) API-license status (API-licensed or unlicensed). The API license status of the oil shall be confirmed by the distributor. API-licensed oils are listed on-line at www.api.org/eolcs.
- e) Information necessary to ensure traceability to product performance.

6.2.2 Purchase Order

6.2.2.1 When ordering engine oil from a marketer/blender, the distributor shall order by requesting the information listed in 6.2.1. As an example, a distributor would order 2,000 gallons of Brand X SAE 5W-30 API-licensed ILSAC GF-5/API SN engine oil. The distributor shall confirm the API license status of the engine oils ordered. API-licensed oils are listed on-line at www.api.org/eolcs.

6.2.2.2 The distributor shall document in writing the order placed including the information required in 6.2.1. ~~4. If the distributor places a verbal order, the distributor should request a written summary from the marketer/blender or draft a dated summary and fax or email it to the marketer/blender for return verification. The written summary shall include at least the information are acceptable provided that the distributor documents the information required by 6.2.1.1 after placing the verbal order.~~

6.2.3 Receiving Inspection

The distributor shall ensure that the Bill of Lading and quality statement, if requested, meet the purchase order requirements prior to product off-loading. This review must include confirmation of the following:

- a) Marketer/blender name.
- b) Brand name.
- c) SAE viscosity grade.
- d) API service category.
- e) Oil quantity.
- f) Date of shipment.
- g) Delivery vehicle compartment from which oil is dispensed.
- h) Bill of Lading number.
- i) Carrier identification.
- j) Density or relative density by ASTM D4052 or API gravity by D1250.
- k) Batch number or other method of traceability.
- l) Supply point.
- m) Person taking delivery.

6.2.4 Record Retention

The distributor shall maintain records of product deliveries received from marketer/blenders for at least 6 months. Records shall include the batch identification, the purchase order, the Bill of Lading, and the quality statement as well as the product identification information in 6.2.1.1, date of delivery and the unique identification of the delivery vehicle, including compartment number.

6.2.5 Retain Samples

The distributor shall draw a minimum of 4 ounces of engine oil from each delivery vehicle compartment from which delivery is accepted. The sample shall be traceable to the specific production batch and shall be retained for a minimum of 3 months (up to 6 months is recommended) in an appropriate environment free from exposure to UV light to prevent deterioration and contamination.

6.3 Chain-of-Custody Documentation—Distributor Delivery to Installer

6.3.1 Customer Order

The distributor shall document the specific engine oil(s) ordered by the installer including product identification information (see 3.2).

6.3.2 Drop Ticket

6.3.2.1 The distributor shall provide a drop ticket for each engine oil delivery that includes at least the following information for each oil delivered:

- a) Marketer/blender name(s).
- b) Brand name(s).
- c) SAE viscosity grade(s).
- d) API service category.
- e) Oil quantity(s).

6.3.2.2 If the format for the drop ticket limits the number of characters that can be used, abbreviations may be used as long as the brand, viscosity grade, and API service category are discernable. For example, “Brand X SAE 5W-30 ILSAC GF-5/API SN” could be abbreviated as “BrdX5W30GF5SN.”

6.3.3 Invoice

All invoices for engine oils delivered to installers shall contain, at minimum, the following information on the engine oils delivered:

- a) Marketer/blender name.
- b) Brand name.
- c) SAE viscosity grade.
- d) API service category.
- e) API-license status (API-licensed or unlicensed).

6.3.4 Pre-Dispensing Verification

Before dispensing engine oil into an installer’s bulk tank, the distributor shall confirm with the installer that the brand name, SAE viscosity grade and API service category of the engine oil being delivered matches the oil ordered. This confirmation shall be provided in written form (paper or electronic format). The distributor should dispense the oil in accordance with API 1525.

6.3.5 Post-Dispensing Verification

BULK ENGINE OIL CHAIN OF CUSTODY AND QUALITY DOCUMENTATION

After the engine oil has been dispensed, the distributor shall allow the installer to verify that the meter-head on the delivery vehicle is zeroed out.

6.3.46 Retain Samples

The distributor should as a best practice retain at least 4 ounces of engine oil from each compartment of the delivery vehicle either after loading product into a compartment or at time of delivery to an installer. The sample shall be traceable to the delivery of oil from each compartment at each drop and shall be retained for a minimum of 3 months (up to 6 months is recommended) in an environment free from exposure to UV light to prevent deterioration and contamination.

6.3.57 Record Retention

The distributor shall maintain records of product deliveries to installers for at least 6 months. Records shall include the customer order, the drop ticket, and the invoice as well as the product identification information, date of delivery, and unique identification of the delivery vehicle including compartment number.

6.4 Direct Delivery from Marketer/Blender to Installer

If a marketer/blender delivers engine oil directly to an installer, the requirements in paragraph 6.3 shall apply.

6.4.1 Retain Samples from Compartments

The marketer/blender shall retain at least 4 ounces of engine oil loaded into each compartment of the delivery vehicle. The samples shall be retained for a minimum of 3 months (up to 6 months is recommended) in an environment free from exposure to UV light to prevent deterioration and contamination.

6.4.2 Retain Samples from Intermediate Bulk Container (IBC)

A marketer/blender delivering engine oil by intermediate bulk container (IBC) shall retain at least 4 ounces of engine oil loaded into the IBC. The samples shall be retained for a minimum of 3 months (up to 6 months is recommended) in an environment free from exposure to UV light to prevent deterioration and contamination.

6.5 Multiple Transfers Between Initial Distributor and Installer

6.5.1 If an engine oil is transferred more than once after being shipped to a distributor by a marketer/blender, practices outlined in Section 6 shall be followed by each entity transferring the oil. This is mandatory to maintain chain of custody and ensure the final user of the engine oil receives the proper information on each oil.

6.5.2 Distributors operating in accordance with this standard that receive engine oil from another distributor shall draw a minimum of 4 ounces of engine oil from each delivery vehicle compartment from which delivery is accepted.

6.5.3 Two or more products with different properties as identified in items a through e of 5.3.3.3 shall not be commingled, even if the products are similar. Mixing different oils with different additive systems is in conflict with the requirement under 5.3.1 to provide sufficient documentation to identify product properties and quality. The distributor shall ensure that tanks are drained and flushed between different products, different grades of the same product, and different products or product groups.

7 Installer Ordering, Receipt and Installation of Bulk Engine Oil

7.1 Product Offering

An installer's bulk engine oil offerings shall comply with the latest edition of API 1509.

7.2 Order Information

7.2.1 The installer shall order engine oil from a distributor by requesting ~~and ensuring receipt of~~, at minimum, the information listed below:

- a) Brand name.
- b) SAE viscosity grade.
- c) API service category.
- d) Verification of API-license status ~~(API-licensed or unlicensed)~~. The API license status of the oil shall be confirmed by the distributor. API-licensed oils are listed on-line at www.api.org/eolcs.
- ~~e) Information necessary to ensure traceability to product performance. At a minimum, the information found in 5.3.2.1 and 6.3.2.1 shall be deemed necessary to ensure traceability.~~

7.2.2 The distributor shall designate how the oil will be described on its drop ticket and invoice in accordance with 6.3.2.1.

7.2.3 The installer ~~shall~~ should request that the distributor notify him or her every time the information above changes.

7.3 Oil Ordering Practices

7.3.1 When ordering engine oil from a distributor, an installer shall request a specific brand, SAE viscosity grade, API service category, and quantity of oil per the information agreed-upon by the entities involved. As an example, the installer staff member responsible for ordering engine oil would order 2,000 gallons of Brand X SAE 5W-30 API-licensed ILSAC GF-5/API SN engine oil. If the distributor no longer carries the brand requested, the installer shall request and receive the information required under 7.2.1 before accepting a substitute brand.

The API license status of the oil shall be confirmed by the distributor. API-licensed oils are listed on-line at www.api.org/eolcs.

7.3.2 If a verbal order is placed, the installer ~~shall~~ may request a written summary from the distributor or draft a dated summary and fax or email it to the ~~supplier~~ distributor for return verification. The written summary shall include at least the information required by 7.2.1.

7.4 Installer Receiving Practices

7.4.1 The ~~distributor shall~~ installer should request that the distributor assist the installer in labeling all bulk oil tanks with the brand name, SAE viscosity grade, and API service category of the engine oil being stored.

7.4.2 Prior to allowing a distributor to dispense product into a bulk tank, the recipient of the delivery shall complete the following steps:

a) Using the paper or electronic confirmation provided by the distributor in accordance with 6.3.4, confirm that the brand name, SAE viscosity grade, and API service category, and quantity of engine oil being delivered matches the product ordered. Delivery of the product should be conducted in accordance with API 1525.

b) Measure via tank gauge or other device the contents of the tank into which the engine oil will be dispensed. The installer may also check the distributor's meter-head to make sure it is zeroed out. After delivery, the installer should take the same measurements again. The installer should document these

BULK ENGINE OIL CHAIN OF CUSTODY AND QUALITY DOCUMENTATION

measurements in a written log maintained by the installer to provide a long-term record that can be used to verify the quantity of deliveries.

7.4.3 Drop tickets or any other written documentation associated with the quality and quantity of the bulk engine oil delivered shall be kept for at least 6 months by the installer.

~~7.4.4 An installer receiving engine oil in an unsealed tote should retain 4 ounces of the oil from the tote. The sample shall be retained for a minimum of 3 months (up to 6 months is recommended) in an environment free from exposure to UV light to prevent deterioration and contamination.~~

7.5 Installation Practices

7.5.1 Engine oil change options shall be clearly and accurately represented to consumers through a menu board, list of services, or other promotional methods.

7.5.2 Bulk engine oil installation hoses, hose reels or nozzles shall be clearly labeled with the brand name, SAE viscosity grade, and API service category of each oil being dispensed.

7.6 Customer Receipts

The customer receipt for the engine oil change shall clearly identify the brand name, SAE viscosity grade, API service category and API license status of the oil installed. For example, the receipt would provide the following information: "Specific Brand SAE 5W-30 API-Licensed SN/GF-5."

An installer has the option to indicate that the brand of oil is a "house brand." Note, however, that an API engine oil license is not transferable and the licensee does not have the right to grant sublicenses. If an installer chooses to rename an engine oil as a "house brand," the oil must be identified as "unlicensed." For example, the receipt would provide the following information: "House Brand Unlicensed 5W30 SN/GF-5."

L&R Committee 2012 Final Report
Appendix B – Item 232-4, Method of Sale and
Item 237-4, Uniform Engine Fuels and Automotive Lubricants

From: [Scott Tredinnick](#)
To: judy.cardin@wisconsin.gov
Cc: don.onwiler@ncwm.net; [Warfield, Lisa](#); [Scott Tredinnick](#)
Subject: Handbook 130
Date: Wednesday, June 27, 2012 6:24:31 PM
Attachments: [DOC062712-001.pdf](#)

Dear Ms. Cardin,

With the downturn in the economy and unethical business practices, the sale of uncertified bulk oil and sometimes even waste oil being re-sold as new oil in the Los Angeles marketplace has become unbelievable. Orange Line Oil only sells quality products and supports Handbook 130 and the API.

Imagine how you would feel, if you took your new car to a quick lube facility and they changed your oil with out-of-spec product just to save a few cents. You would most likely not see an immediate problem; however, as you drove your car with the non-spec oil, your engine would slowly be destroyed due to the lack of proper lubrication, while at the same time your catalytic converter would become clogged and possibly ignite a fire under your vehicle.

Please encourage the committee to adopt these important changes for Handbook 130.

Sincerely,

Scott Tredinnick
President/CEO

www.orangelineoil.com
(909) 623-0533

Orange Line Oil Company, Inc.

404 E. Commercial St.
Pomona, CA 91767

QUALITY & SERVICE SINCE: 1970

Ms. Judy Cardin
Chair, Laws & Regulations Committee,
National Conference on Weights and Measures
Wisconsin Weights and Measures
2811 Agriculture Drive
P.O. Box 8911
Madison, WI
53708-8911
judy.cardin@wisconsin.gov

Dear Ms. Cardin:

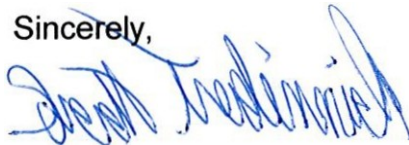
As a motor oil distributor, I am expressing my support for the proposed changes to Handbook 130 (Laws and Regulations Committee interim report sections 232-4 and 237-4). This set of changes will help my business to further highlight its commitment to providing quality products to my customers.

It's important for customers to know they're receiving the motor oil they've come to know and trust. The proposed changes to Handbook 130 would standardize the motor oil information installers provide to customers on the quality of the bulk oil installed.

If adopted, Handbook 130 will also help API in its annual audit of motor oils. This important program has for many years helped to ensure the quality of motor oils, but the level of information currently available from installers has made it difficult to verify the chain of custody for bulk oils.

I support the changes proposed for Handbook 130 and strongly urge you to support them as well.

Sincerely,



Scott Tredinnick
President

C: Don Onwiler
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Lincoln, NE 68508
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June 27, 2012

Ms. Judy Cardin

Chair, Laws & Regulations Committee,

National Conference on Weights and Measures

Wisconsin Weights and Measure

2811 Agriculture Drive

PO Box 8911

Madison, WI 53708-8911

Dear Ms. Cardin,

We are a motor oil distributor in California with an ever expanding business which prides itself on supplying quality products to all of our customers. I feel that the proposed changes to Handbook 130 are timely and important to our business going forward. These changes will help us to highlight our commitment to our customers and give them something to rely upon as they compare competing products.

We struggle on a daily basis to prove to our customers that our oil meets all industry and automotive specifications because many other products, which do not meet the required specifications, are sold at a lower price with false information. The changes to the Handbook would set standards that all installers would have to meet and thus assure their customers the quality of the product they are receiving.

Also, with the adoption of these changes, the API will be helped as they audit the use and specifications for motor oils. This program needs the backing of the Handbook so they can substantiate that all installers are meeting the requirements of the oils they are selling.

We do support the changes proposed for Handbook 130 and hope that you will as well.

Best Regards,

Ron Van De Pol, President

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L&R Committee 2012 Final Report
Appendix B – Item 232-4, Method of Sale and
Item 237-4, Uniform Engine Fuels and Automotive Lubricants

Form letters were received from the following individual/organizations in support of NIST Handbook 130, Laws and Regulations Committee Interim Report.

Item 232-4: Uniform Regulation for the Method of Sale of Commodities, 2.33. Vehicle Motor Oil and

Item 237-4: Uniform Engine Fuels and Automotive Lubricants Regulation, 3.13.1. Labeling of Vehicle Motor Oil Required.

Name	Organization	Address
Sita Compton, Owner	BC Automotive Center	378 N. Tuscola Road., Bay City, MI 48708
Robert Scott, Vice President Lubricants	Dilmar Oil Company	1951 W. Darlington Street, Florence, SC 29501
Marla Carlson, Director of Sales	Dion and Sons, Inc.	1543 West 16 th Street, Long Beach, CA 90813
K. John Dooley, President Oil Inc.	Dooley Oil, Inc.	P.O. Box 370, Laramie, WY 82073 P.O. Box 1831, Fort Collins, CO 80522 P.O. Box 189, Evansville, WY 82636 P.O. Box 1241, Cheyenne, WY 82007
John P. Kirby	Graff Motor Sales	1100 W. Cedar Avenue, Gladwin, MI 48624
Garrett Otten, Sales Manager	Hays Oil	8290 14 th Street, White City, OR 97503
Imad Hassen	Unknown	
Patricia Blonde	Imlay City Lube Center, Inc.	1824 S. Cedar Street, Imlay City, MI 48444
Charlene Radwanski	Magnum Oil	2668 Knowles Avenue, Winnipeg, Manitoba R2G 2K [^]
Randy Marshall	Marshall's Express	2325 W. Grand River, Howell, MI 48843
Ronald Smith, Lubricant Manager	Mulgrew Oil Company	10314 Silverwood Drive, Dubuque, IA 52003
Patrick Feldpausch, President	One Stop Wash-n-Lube	Dewitt, MI 48820
Joe Smith, President	Penco Oil Company	510 N. Palace, P.O. Box 659, Tyler, TX 75710-0659
John E. Coteil	Pride Auto Truck Repair	Not provided
Sam Edmondson	Quality Petroleum, Inc.	P.O. Box 15308, Little Rock, AR 7221-5308
William D. Rice, President	Rice Properties Ltd., D/b/a J. R.'s Lube Shop	P.O. Box 189, New Baltimore, MI 48047
John Wisz, Owner	R&L 10 Minute Oil Change	880 W 14 Mile Road, Birmingham, MI 48009
Mike Rowley, Brenda Rowley, Franklin Hanes, and various (10 letters received)	Rowleys Wholesale	Rowley Brothers, 3604 Wilder Road, P. O. Box 1115, Bay City, MI 48706
Jacques Poirier, Vice President – LA Operations and Louisiana	Sun Coast Resources, Inc.	http://suncoastresources.com
Steven Oxener, Sales Representative	Sun Coast Resources, Inc.	http://suncoastresources.com

THE FORM LETTER TEXT FOLLOWS.

Ms. Judy Cardin
Chair, Laws & Regulations Committee,
National Conference on Weights and Measures
Wisconsin Weights and Measures
judy.cardin@wisconsin.gov

Dear Ms. Cardin:

As a motor oil distributor/installer, I am expressing my support for the proposed changes to Handbook 130 (Laws and Regulations Committee interim report sections 232-4 and 237-4). This set of changes will help my business to further highlight its commitment to providing quality products to my customers.

It's important for customers to know they're receiving the motor oil they've come to know and trust. The proposed changes to Handbook 130 would standardize the motor oil information installers provide to customers on the quality of the bulk oil installed.

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I support the changes proposed for Handbook 130 and strongly urge you to support them as well.

Sincerely,

C: Don Onwiler
National Conference on Weights and Measures, Inc.
don.onwiler@ncwm.net

Lisa Warfield
NIST, Office of Weights and Measures
lisa.warfield@nist.gov