

October 12, 2016

RE: Laws and Regulations Committee Item 2307-1, “2.14. Products for Use in Lubricating Automatic Transmission Fluids and 3.14. Automatic Transmission Fluid.”

The Independent Lubricant Manufacturers Association (ILMA) proposes modifications to the language submitted by the American Petroleum Institute. ILMA’s proposal seeks to clarify how performance claims can be made for multi-vehicle transmission fluids.

Many original equipment manufacturers (OEMs) develop their own transmission fluid specifications and recommend that consumers use these fluids meeting these specifications. However, the OEMs often do not publish these specifications, and many manufacturers rely on testing done by additive suppliers against the OEMs products. The current version of Handbook 130 does not adequately define how transmission fluids shall be identified in the marketplace on delivery documents and invoices and receipts from service, particularly for multi-vehicle fluids. Requiring more specific information on invoices and receipts will provide some assurance to consumers that recommended or suitable automatic transmission fluids are being installed in their vehicles.

ILMA acknowledges that some of the OEM specifications, even if not published, may be mutually exclusive (e.g., different viscosity limits).

Uniform Engine Fuels and Automotive Lubricants Regulations

Section 2. Standard Fuel Specifications

2.14. Products for Use in Lubricating Automatic Transmissions. – Any ~~automatic~~ transmission fluid sold without limitation as to type of transmission for which it is intended shall meet all ~~automotive~~ manufacturers’ recommended requirements for transmissions in general use in the state. ~~Automatic~~ Transmission fluids that are intended for use only in certain transmissions **shall meet the original equipment manufacturer’s requirements for those transmissions or have been demonstrated to be suitable for use in those transmissions.** Adherence to ~~automotive~~ **the original equipment manufacturer’s** recommended requirements shall be ~~assessed after testing per relevant methods available to the based on tests currently available and published by the transmission or vehicle manufacturer to the~~ **assessed after testing per relevant methods available to the lubricants’ industry and the state regulatory agency.** Suitability for use ~~claims~~ shall be based upon appropriate field, bench and/or transmission rig testing. **Any manufacturer of a transmission fluid making suitable-for-use claims shall provide, upon request by a duly authorized representative of the Director, credible compelling documentation of such claims.** ~~Where a fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer is also acceptable documentation of performance against the specification. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director’s office by the additive supplier(s).~~

2.14.1 Conformance of a fluid per 2.14 does not absolve the obligations of a fluid licensee with respect to the licensing Original Equipment Manufacturer, or the Original Equipment Manufacturer’s licensing agent(s) where relevant.

(Added 2004, Amended 20XX)

2.14.1. Transmission Fluid Additives. – Any material offered for sale or sold as an additive to **transmission fluids shall be compatible with the automatic transmission fluid to which it is added, and shall meet all performance claims as stated on the label or published on any web site referenced by the label.** Any manufacturer of any such product sold in this state shall provide, upon request by a duly authorized representative of the Director, **documentation of any claims made on their product label, or published on any web site referenced by the label.**

(Added 20XX)

Section 3. Classification and Method of Sale of Petroleum Products

3.14. Automatic Transmission Fluid.

3.14.1. Container Labeling. – The label on a container of automatic transmission fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and IBCs. In addition, each container of transmission fluid shall be labeled with the following:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Automatic Transmission Fluid”;
- (d) ~~the duty type of classification; the primary performance claim or claims met by the fluid and~~ reference to where any supplemental claims may be viewed (for example, website reference). Performance claims include those set by original equipment manufacturers and standards-setting ~~organizations~~ such as SAE or JASO and are acknowledged by reference; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Amended 20XX)

3.14.2. Identification on ~~Documentation of Claims Made Upon Product Label.~~ – Transmission fluid sold in bulk shall be identified on the manufacturer, packer, seller or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Transmission Fluid”;
- (d) ~~the duty type of classification; the primary performance claim or claims met by the fluid or~~ reference to where these claims may be viewed (for example, website reference). Performance claims include those set by original equipment manufacturers and standards-setting organizations such as SAE or JASO and are acknowledged by reference; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Added 2004, Amended 20XX)

3.14.3. Identification on Service Provider Documentation – Transmission fluid installed from a bulk tank at time of transmission service shall be identified on the customer invoice with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the service provider;
- (c) the words “Transmission Fluid”;

(d) ~~the duty type of classification;~~ the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims include those set by original equipment manufacturers and standards-setting organizations such as SAE and are acknowledged by reference;
and

(e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Added 20XX)

3.14.4. Bulk Delivery – When the transmission fluid is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the fluid as defined in Section 3.14.2.

(Added 20XX)

3.14.5. Storage Tank Labeling. – Each storage tank of transmission fluid shall be labeled with the following:

(a) the brand name;

(b) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed. Performance claims include those set by original equipment manufacturers and standards-setting organizations such as SAE or JASO and are acknowledged by reference.

(Added 20XX)

3.14.6. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or distributor of any product subject to this article and sold in this state shall provide, upon request of duly authorized representatives of the Director, ~~credible compelling~~ documentation of any claim made upon their product label, including claims made on any web site referenced by said label. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director's office by the additive supplier(s).

(Added 20XX)