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Mr. Ethan Bogren
Chair
National Conference on Weights and Measures
Laws and Regulations Committee

Re: Laws and Regulations Committee Items 2302-9 and 2307-1

Dear Chair Bogren:

API continues to support the changes to NIST Handbook 130 Uniform Regulation for the Method of Sale of Commodities and Uniform Engine Fuels and Automotive Lubricants Regulation sections that are proposed in items 2302-9 and 2307-1. However, after discussions with other interested groups, API requests that the Fuels and Lubricants Subcommittee and the Laws and Regulations Committee consider making a change to 2307-1 that would make it consistent with 2302-9. This change would require that three paragraphs in 2302-9 be inserted as shown below into 2307-1. Some renumbering of 2307-1 would also be necessary to accommodate the paragraphs.

2.XX.1. Products for Use in Lubricating Transmissions – Transmission fluids shall meet the original equipment manufacturer’s requirements for those transmissions or have demonstrated performance claims to be suitable for use in those transmissions. Adherence to the original equipment manufacturer’s recommended requirements shall be 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 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.XX.1.1. Conformance. – Conformance of a fluid per Section 2.XX.1. Products for Use in Lubricating Transmissions 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.

2.XX.1.2. Transmission Fluid Additives. – Any material offered for sale or sold as an additive to transmission fluids shall be compatible with the transmission fluid to which it is added, and shall meet all performance claims as stated on the label or published on any website 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 website referenced by the label.



I appreciate your committee's giving this change your attention. Please do not hesitate to contact me if you have questions.

Best regards,

Kevin Fenwick