

Below is a listing of areas that should be reviewed as MOS-1 and FLR-1 are considered by membership.

- This is a proposal that has evolved over the last several years. Some states are confused as to what exactly is occurring with this proposal. Not all states attend or participate in the Sunday FALS session.
- The background discussion states that the reasoning for the development of this proposal is there are two regulations that have similar information for a specific method of sale for Fuels and it creates an added burden when maintaining and updating the handbooks. At no time has NIST felt that this was an added burden and they have also not heard from the states that this was a concern for them. The Conference should be doing what is beneficial to the states for their use.
- Yes, there may be small inconsistencies in language appearing in the separate regulations. One regulation may address other items pertaining to the subject matter, such as labeling or specifications.
- Has this been vetted to outside sources that could be impacted by consolidation of these regulations?
- There are numerous sections within the Method of Sale that does not conform to the HB130 layout.
 - o Within Section 3.2. it is a given that these products will be sold by liquid measure. The method of sale is used when there is a concern with the general method of sale of a particular food or nonfood item and then it is necessary to adopt a specific method of sale. I would recommend that Section 3.2. is not necessary for incorporation into the method of sale and we recommend that this portion be stricken.
 - o Section 3.3. and Section 3.4. the title is not necessary and does not follow the formatting of the handbook. This would also not make the Table of Contents for this section align properly with the TOC.
 - o Section 3.3.1. should not be a sub set. It should be a main and the title should read
Kerosene (or "Kerosine").

Retail Sale from Bulk - All kerosene kept, offered, or exposed for sale and sold from bulk at retail shall be in terms of the gallon or liter.
 - o Following Section 3.3.1. Kerosene is Section 3.3.2. Liquefied Petroleum Gas, this should be given a different subset number and not aligned with 3.3.1. Kerosene. This would also be the case for 3.3.4. Retail Sales of Hydrogen Fuel, 3.3.5. Retail Sales of Electricity Sold as a Vehicle Fuel
 - o Within Section 3.4.2.2.(a). The CFR should read 40 CFR ~~80.1503~~
 - o Section 3.4.3.2. FTC Labeling Requirements the last line should read (For additional information, refer to Section ~~2.20.3~~ **3.4.2.3**. EPA Labeling Requirements)
 - o The formatting for 3.4.4.3. should not be tabbed in since it is not numbered within that subset.
 - o Within Section 3.4.7.1.1. Conformance, Section ~~2.36.1~~ should read **3.4.7.1**. Products for Use in Lubricating Transmissions
 - o Within Section 3.4.7.2.4. Bulk Delivery should read ~~2.36.2.2~~ **3.4.7.2.2**. Identification on Documentation

- There is a statement (Included through 20XX handbook) as a note and this is not the current standard language used in the handbook. We are recommending that they stay in both regulations (update the method of sale) for an agreed upon amount of time. Once it is deemed that the states do not require it to be needed in the Fuels regulations it will be removed in its entirety. NIST has recommended the following (see below email to FALS dated 1/31/2018) track changes. This is very beneficial when researching the history. It is also useful for those states that use earlier versions of the handbook.
 - o On the Amendments Table: The following chart has examples of changes that could be used for guidance. There is a plus to continuing the style now in use. Most users are familiar with this format.
 - o Paragraph moved to new document section with no content change – The changes should not be marked as (Amended) but marked as relocated new section and renumbered in the Amendment table.
 - o Marking the Paragraphs – Continue to follow our practices for using Added and Amended. The tracking of the reordered or moved content will apply as it always has on the “Amendment” table page that is included in each edition of the handbook.
 - o The Editorial Table: Will remain to indicate changes or corrections that have been made of an editorial nature.
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NIST Recommendation:

Under the background information for both regulations the Committee should prepare a paragraph explaining this major change in the handbook. This chart would only appear in the edition that the change occurs.

If an item is moved from the Fuels to the Method of Sale I would recommend keeping it intact with all the added and amendment dates. A new term (**relocated 20XX**) could be added. The user could go back to the date that it was added and review the Amendment/Editorial page located in the front of each handbook. On this we could cite the new section number.

201X Amendments

The following table lists the laws and regulations amended by the 10Xth (20XX) National Conference on Weights and Measures (NCWM). As appropriate, the text on the cited pages indicates the changes to the law or regulation, section, or paragraph as “Added 20XX” or “Amended 20XX.” Unless otherwise noted, the effective date of the regulations added or amended in 20XX is January 1, 20XX.

| Law or Regulation | L&R Committee Item No. | Section | Action | Page |
|---|------------------------------|---|---|------|
| IV. Uniform Regulations | | | | |
| A. Uniform Packaging and Labeling Regulation | XXX-X | Section 13. Retail Sale Price Representations. | Deleted | 86 |
| | XXX-X | Section 14 3 . Revocation of Conflicting Regulations. | Renumbered | 86 |
| B. Uniform Regulation for Method of Sale of Commodities | XXX-X | 2.27.1.2. Gasoline Liter Equivalent (GLE). | Deleted | 125 |
| | XXX-X | 1.27.2.3. Method of Retail Sale Liquefied Natural Gas. | Renumber and relocated to Section G. (recommend citing new section number) | 125 |
| | | 2.27.2.4. Dispenser Labeling of Retail Liquefied Natural Gas. | Amended, renumbered, and relocated to Section G. (could cite the new paragraph number) | 125 |
| G. Uniform Engine Fuels and Automotive Lubricants Regulation | XXX-X | 3.14.1. 3.14.1.1. Container Labeling. | Amended and Renumbered | 193 |
| | | 3.14.2. 3.14.1.6. Documentation of Claims Made Upon Product Label. | Amended and Renumbered | 195 |
| | XXX-X | 1.27.2.3. 3.33.3.3. Method of Retail Sale Liquefied Natural Gas. | Renumber and relocated from Section B. | XXX |
| | XXX-X | 2.27.2.4. 3.XX.X. Dispenser Labeling of Retail Liquefied Natural Gas. | Amended, renumbered, and relocated to Section G. (could cite the new paragraph number) | XXX |