Chapter 16-662 WAC

WEIGHTS AND MEASURES—NATIONAL HANDBOOKS

WAC

16-662-100 Purpose.

Standards adopted by the Washington state department of agriculture (WSDA) address in the National Institute of Standards and Technology (NIST) NIST Handbook 44;

(b) Uniform procedures for checking the net contents of packaged goods addressed in NIST Handbook 133;

(c) Uniform packaging and labeling regulation addressed in NIST Handbook 130;

(d) Uniform regulation for the method of sale of commodities addressed in NIST Handbook 130;

(e) Uniform examination procedure for price verification addressed in NIST Handbook 130; and

(f) Engine fuels, petroleum products, and automotive lubricants regulation addressed in NIST Handbook 130.


(b) For information regarding the contents and applications of these publications, contact the weights and measures program at the Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560, telephone number 360-902-1857, or e-mail wts&measures@agr.wa.gov.

[Statutory Authority: Chapters 19.94, 19.112, and 34.05 RCW. 05-10-088, § 16-662-100, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-100, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-100, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-100, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-100, filed 5/4/05, effective 6/4/05; 03-08-017, § 16-662-100, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-100, filed 6/4/97, effective 7/5/97.]

WAC 16-662-105 Standards adopted by the Washington state department of agriculture (WSDA). Except as otherwise modified in this chapter, the WSDA adopts the following national standards:

<table>
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<th>National standard for:</th>
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<tr>
<td>(2) The procedures for checking the accuracy of the net contents of packaged goods</td>
<td>2011 Edition of NIST Handbook 133 - Checking the Net Contents of Packaged Goods</td>
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</table>

WAC 16-662-100 Purpose. (1) This chapter establishes requirements for the state of Washington that are reasonably consistent with the uniform rules adopted by the National Conference on Weights and Measures and that are in effect in other states.

(2) This chapter applies specifically to the:

(a) Uniform specifications, tolerances and other technical requirements for weighing and measuring devices

(3/30/12)
**WAC 16-662-110 Modifications to NIST Handbook 44.** The WSDA adopts the following modifications to *NIST Handbook 44*, which is identified in WAC 16-662-105(1):

<table>
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<tr>
<th>Modified Section:</th>
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<tr>
<td>General Code: Section G-UR.4.1, Maintenance of Equipment</td>
<td>In the last sentence of G-UR.4.1, Maintenance of Equipment, change the words &quot;device user&quot; to &quot;device owner or operator.&quot; As a result of this modification, the last sentence of G-UR.4.1. will read: &quot;Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device owner or operator (see also Introduction, Section Q) shall not be considered &quot;maintained in a proper operating condition.&quot;”</td>
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<td>Liquid-Measuring Devices: Section S.1.6.4.1, Unit Price</td>
<td>At the end of the first sentence of S.1.6.4.1.(b), Unit Price, add the words &quot;or after prepaidment for the product but prior to its delivery.&quot; As a result of this modification, the sentence will read: &quot;Whenever a grade, brand, blend, or mixture is offered for sale from a device at more than one unit price, then all of the unit prices at which that product is offered for sale shall be displayed or shall be capable of being displayed on the dispenser using controls available to the customer prior to the delivery of the product or after prepayment for the product but prior to its delivery.”</td>
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<tr>
<td>(1) Section 2.20.1. Method of Retail Sale</td>
<td>Modify section 2.20.1. Method of Retail Sale. Type of Oxygenate must be Disclosed, to read: &quot;All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as &quot;with&quot; or &quot;containing&quot; (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read &quot;contains ethanol.&quot; The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase &quot;or other ethers.&quot; In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as &quot;with&quot; or &quot;containing&quot; methanol. This information shall be posted on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in.) in height, 1.5 mm (1/16 in.) stroke (width of type). Methanol at one percent or greater, by volume, in gasoline for use as motor vehicle fuel must be labeled with the maximum percentage of methanol contained in the motor vehicle fuel. Ethanol at no less than one percent and no more than ten percent, by volume, must be labeled &quot;Contains up to 10% Ethanol.&quot; Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word &quot;ethanol.&quot; (Example: E85 Ethanol).&quot;</td>
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<tr>
<td>(2) Section 2.20.2. Documentation for Dispenser Labeling Purposes</td>
<td>Modify section 2.20.2. Documentation for Dispenser Labeling Purposes, to read: &quot;At the time of delivery of the fuel, the retailer shall be provided, on an invoice, bill of lading, shipping paper, or other documentation a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen). In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as &quot;with&quot; or &quot;containing&quot; methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. When ethanol and/or methanol is blended at one percent or greater, by volume, in gasoline for use as motor vehicle fuel, documentation must include the volumetric percentage of ethanol and/or methanol.&quot;</td>
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<td>(3) Section 2.23. Animal Bedding</td>
<td>Add a new subsection which reads: &quot;2.23.2. Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, &quot;unit&quot; means a standard volume equal to 200 cubic feet. When advertised, offered for sale, or sold within Washington state, quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials must be in cubic measures or units and fractions thereof.&quot;</td>
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<td>(4) Section 2.31.2. Labeling of Retail Dispensers</td>
<td>Add a new subsection which reads: &quot;2.31.2.6. Labeling of Retail Dispensers Containing Not More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing not more than five percent biodiesel must be labeled &quot;May contain up to 5% Biodiesel.&quot; Add a new subsection which reads: &quot;2.31.2.6. Labeling of Retail Dispensers Containing More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent biodiesel must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either &quot;biodiesel&quot; or &quot;biodiesel blend&quot; (examples: B100 Biodiesel; B60 Biodiesel Blend).&quot;</td>
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<td>(5) Section 2.31.4. Exemption</td>
<td>Delete section 2.31.4.</td>
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The WSDA adopts the following modifications to the listed sections of the *Uniform Engine Fuels and Automotive Lubricants Regulation* requirements published in *NIST Handbook 130*, identified in WAC 16-662-105 (3)(d):

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| (1) Section 2.1.3. Gasoline-Ethanol Blends | Modify section 2.1.3. to read: "When gasoline is blended with 1 to 10 volume percent ethanol, the ethanol shall meet the requirements of ASTM D4806 and either: (a) The base gasoline used for blending with ethanol shall meet the requirements of ASTM D4814; except that the base gasoline shall meet the minimum temperature for a Vapor-Liquid Ratio of 20 for the applicable vapor lock protection class as follows: (1) Class 1 shall be 60°C (140°F) (2) Class 2 shall be 56°C (133°F) (3) Class 3 shall be 51°C (124°F)
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<td>(4) Class 4 shall be 47°C (116°F)</td>
<td>(c) Each retail dispenser of greater than ten percent fuel ethanol by volume must be labeled with the capital letter E followed by the numerical value percentage volume percent denatured ethanol and ending with the word &quot;ethanol.&quot; (example: E85 Ethanol).&quot;</td>
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<td>(5) Class 5 shall be 41°C (105°F)</td>
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<td>or</td>
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<td>(b) The blend shall meet the requirements of ASTM D4814.&quot;</td>
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<td>Add a new subsection to read: &quot;2.1.3.1. Maximum Vapor Pressure. The maximum vapor pressure of a gasoline-ethanol blend shall not exceed ASTM D4814 limits by more than 1.0 psi for:</td>
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<td>(a) Only 9 to 10 volume percent ethanol blends from June 1 through September 15.</td>
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<td>(b) All blends of 1 to 10 volume percent ethanol from September 16 through May 31.&quot;</td>
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<tr>
<td>(2) Section 2.12. Motor Oil</td>
<td>Delete section 2.12.</td>
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<tr>
<td>(3) Section 2.13. Products for Use in Lubricating Manual Transmissions, Gears, or Axles</td>
<td>Delete section 2.13.</td>
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<tr>
<td>(5) Section 3.2.6. Method of Retail Sale</td>
<td>Modify section 3.2.6. to read: &quot;Type of Oxygenate must be Disclosed. All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as &quot;with&quot; or &quot;containing&quot; (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read &quot;contains ethanol.&quot; The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase &quot;or other ethers.&quot; In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as &quot;with&quot; or &quot;containing&quot; methanol. This information shall be posted on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in.) in height, 1.5 mm (1/16 in.) stroke (width of type). Methanol at one percent or greater, by volume, in gasoline for use as motor fuel must be labeled with the maximum percentage of methanol contained in the motor vehicle fuel. Ethanol at no less than one percent and no more than ten percent, by volume, must be labeled &quot;Contains up to 10% Ethanol.&quot; Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value percent denatured ethanol and ending with the word &quot;ethanol&quot; (example: E85 Ethanol).&quot;</td>
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<td>(6) Section 3.2.7. Documentation for Dispenser Labeling Purposes</td>
<td>Modify section 3.2.7. to read: &quot;The retailer shall be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen). In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as &quot;with&quot; or &quot;containing&quot; methanol. This information is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. When ethanol and/or methanol is blended at one percent or greater, by volume, in gasoline for use as motor vehicle fuel, documentation must include the volumetric percentage of ethanol and/or methanol.&quot;</td>
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| (7) Section 3.8.2. Labeling Requirements | Add a new subsection which reads: "(c) Each retail dispenser of greater than ten percent fuel ethanol by volume must be labeled with the capital letter E followed by the numerical value number percent denatured ethanol and ending with the word "ethanol" (example: E85 Ethanol)."
| (8) Section 3.9.2. Retail Dispenser Labeling | Add a new subsection which reads: "(c) Each retail dispenser of fuel methanol shall be labeled by the capital letter M followed by the numerical value maximum volume percent and ending with the word "methanol." (Example: M85 Methanol).
| (9) Section 3.13. Oil | Delete section 3.13. |
| (11) Section 3.15.2. Labeling of Retail Dispensers | Add a new subsection which reads: "3.15.2.5. Labeling of Retail Dispensers Containing Not More Than 5% Biodiesel. Each retail dispenser of biodiesel blend containing not more than five percent biodiesel must be labeled "May contain up to 5% Biodiesel.""
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<td>Add a new subsection which reads: &quot;3.15.2.6. Labeling of Retail Dispensers Containing More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent biodiesel must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either &quot;biodiesel&quot; or &quot;biodiesel blend&quot; (examples: B100 Biodiesel; B60 Biodiesel blend).&quot;</td>
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(12) Section 3.15.4. Exception

Delete section 3.15.4.

WAC 16-662-120 Inspections of the net contents of packaged goods under NIST Handbook 133. WSDA inspects packages using either used dry tare or unused dry tare in accordance with the procedures outlined in NIST Handbook 133.

WAC 16-662-125 Enforcement actions for price verification inspections under NIST Handbook 130. WSDA uses NIST Handbook 130, Examination Procedure For Price Verification, Section 11.2., Model Enforcement Levels. Overcharges will be used to determine price accuracy for enforcement actions under chapter 19.94 RCW.

[Statutory Authority: RCW 19.94.190, 19.112.020, 19.112.140, and chapter 34.05 RCW. 12-04-021, § 16-662-125, filed 12/28/11, effective 1/28/12. Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-125, filed 5/4/05, effective 6/4/05.]