Chapter 16-662 WAC
WEIGHTS AND MEASURES—NATIONAL HANDBOOKS AND RETAIL SALE OF MOTOR FUEL

WAC
16-662-100 Purpose.
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16-662-125 Enforcement actions for price verification inspections under NIST Handbook 130.
16-662-140 Retail sales of motor fuels.
16-662-145 Posting of motor fuel prices—Cash and credit sales.
16-662-150 Unlawful acts—National type evaluation program (NTEP).


DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER


WAC 16-662-100 Purpose. (1) This chapter establishes, under the authority of the Washington state department of agriculture (WSDA), requirements for the state of Washington that are reasonably consistent with the uniform rules adopted by the National Conference on Weights and Measures (NCWM) and published by the National Institute of Standards and Technology (NIST). This chapter also establishes requirements for the retail sale and advertising of motor fuel.

(2) This chapter applies specifically to the:
(a) Uniform specifications, tolerances and other technical requirements for weighing and measuring devices addressed in NIST Handbook 44;
(b) Uniform regulation for weighing and measuring devices under the national type evaluation program (NTEP) addressed in NIST Handbook 130;
(c) Uniform procedures for checking the net contents of packaged goods addressed in NIST Handbook 133;
(d) Uniform packaging and labeling regulation addressed in NIST Handbook 130;
(e) Uniform regulation for the method of sale of commodities addressed in NIST Handbook 130;
(f) Uniform examination procedure for price verification addressed in NIST Handbook 130;
(g) Engine fuels, petroleum products, and automotive lubricants regulation addressed in NIST Handbook 130;
(h) Specifications and tolerances for reference standards and field standard weights and measures addressed in the NIST Handbook 105 series; and
(i) Requirements for the retail sale and advertising of motor fuel.

(3)(a) NIST Handbook 44, NIST Handbook 130, NIST Handbook 133, and NIST Handbooks 105 are available on the NIST web site at http://www.nist.gov/pml/wmd/pubs/handbooks.cfm or may be purchased on the NCWM web site at http://www.ncwm.net/publications or by mail from the National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, Nebraska 68508. Copies of the NIST handbooks and ASTM standards are available for

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viewing at the Washington State Department of Agriculture, 2nd Floor, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504-2560.

(b) You may search the NTEP data base for certificates of conformance (CC) on the NCWM web site at http:\/\slash www.ncwm.net/ntep/cert_search.

(c) For information regarding the contents and application of these publications and data base, 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.


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

<table>
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<th>National standard for:</th>
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<tr>
<td>(d) Definitions; standard fuel specifications; classification and method of sale of petroleum products; retail storage tanks and dispenser filters; condemned product; product registration; and test methods and reproducibility limits</td>
<td>Uniform Engine Fuels and Automotive Lubricants Regulation as adopted by the National Conference on Weights and Measures and published in NIST Handbook 130, 2014 Edition.</td>
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<tr>
<td>(4) Specifications and tolerances for reference standards and field standard weights and measures</td>
<td>NIST Handbook 105-1, Specifications and Tolerances for Field Standard Weights (NIST Class F) - 1990;</td>
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<td>NIST Handbook 105-2, Specifications and Tolerances for Field Standard Measuring Flasks - 1996;</td>
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<td>NIST Handbook 105-3, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards - 2010;</td>
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<td>NIST Handbook 105-4, Specifications and Tolerances for Liquefied Petroleum Gas and Anhydrous Ammonia Liquid Volumetric Provers - 2010;</td>
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<td>NIST Handbook 105-5, Specifications and Tolerances for Field Standard Stopwatches - 1997;</td>
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<td>NIST Handbook 105-6, Specifications and Tolerances for Thermometers - 1997;</td>
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National standard for:                      Contained in the:

NIST Handbook 105-7, Specifications and Tolerances for Dynamic Small Volume Provers - 1997;


**WAC 16-662-115 Modifications to NIST Handbook 130.** (1) WSDA adopts the following modifications to the listed sections of the Uniform Regulation for the Method of Sale of Commodities requirements published in NIST Handbook 130, identified in WAC 16-662-105 (3)(b):

**Modified Section:** Modify the existing text in section 2.20.1 with the following: "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 "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. 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 "or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol.

- 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.

- Gasoline-ethanol blend fuels containing not more than ten percent, by volume, must be labeled "Contains up to 10% Ethanol."

- 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 "Ethanol" (example: E40 Ethanol). E85 fuel ethanol shall be identified and labeled in accordance with section 3.8. E85 Fuel Ethanol.

- 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)."

**Modified Section:** Replace the existing text in section 2.20.2. Documentation for Dispenser Labeling Purposes, with: "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 "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the (9/9/14)
Weights and Measures—Handbooks

<table>
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<th>Modified Section:</th>
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<tr>
<td>Ch. 16-662 WAC p. 4</td>
<td>(2) 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):</td>
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<td>2.1.2.1. 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>Section 2.23. Animal Bedding</td>
<td>Modify the existing text to add: &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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| Section 2.31.2. Labeling of Retail Dispensers | Modify the existing text to add the following: "2.31.2.5. Labeling of Retail Dispensers Containing Not More Than 5% Biodiesel. (a) Each retail dispenser of biodiesel or biodiesel blend containing not more than five percent biodiesel must be labeled "May contain up to 5% Biodiesel." (b) This information shall be posted on the upper 50% 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)."
Modify the existing text to add the following: "2.31.2.6. Labeling of Retail Dispensers Containing More Than 5% Biodiesel. (a) 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 "biodiesel" or "biodiesel blend" (examples: B100 Biodiesel; B60 Biodiesel Blend)." |
| Section 2.31.4. Exemption | Modify the existing text to delete section 2.31.4. |
| Section 2.34. Retail Sales of Electricity Sold as a Vehicle Fuel | Modify the existing text to delete section 2.34. |

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<tr>
<td>Section 16-662-115 Weights and Measures—Handbooks</td>
<td>(9/9/14)</td>
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(a) Only 9 to 10 volume percent ethanol blends from June 1 through September 15.
(b) All blends of 1 to 10 volume percent ethanol from September 16 through May 31.

Section 3.2.6. Method of Retail Sale
Modify the existing text in section 3.2.6 with the following: "Type of Oxygenate must be Disclosed.
(a) 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 "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. 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 "or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol.
(b) 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.
(c) Gasoline-ethanol blend fuels containing not more than ten percent, by volume, must be labeled "Contains up to 10% Ethanol."
(d) Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value maximum volume percent and ending with the word "ethanol" (example: E40 Ethanol). E85 fuel ethanol shall be identified and labeled in accordance with section 3.8. E85 Fuel Ethanol.

(e) This information shall be posted on the upper 50% 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).

Section 3.2.7. Documentation for Dispenser Labeling Purposes
Modify the existing text in section 3.2.7 with the following: "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 "with" or "containing" 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."

Section 3.9.2. Retail Dispenser Labeling
Modify the existing text in section 3.9.2 to add: "(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.) This information shall be posted on the upper 50% 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)."
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| Section 3.15.2.  | Modify the existing text in subsection 3.15.2 to add: "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."
|                   | Modify the existing text in subsection 3.15.2 to add: "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 "biodiesel" or "biodiesel blend" (examples: B100 Biodiesel; B60 Biodiesel blend)."
|                   | Modify the existing text in subsection 3.15.2 to add: "3.15.2.7. Placement of label. Labels shall be posted on the upper 50% 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)."
| Section 3.15.4.  | Delete section 3.15.4. |
| Exemption        | (3) WSDA adopts the following modifications to the listed sections of the Uniform Regulation for National Type Evaluation requirements published in NIST Handbook 130, identified in WAC 16-662-105 (3)(e): |

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| Section 2.3.     | Modify the existing text in section 2.3 with the following: "Director – Means the director of the Washington state department of agriculture."
| Director         | Modify the existing text in section (c) with the following: "A device in service in this state prior to July 5, 1997, that meets the specifications, tolerances, and other technical requirements of the National Institute of Standards and Technology Handbook 44 shall not be required to be traceable to an active CC."
|                   | Modify the existing text in section (d) with the following: "A device in service in this state prior to July 5, 1997, removed from service by the owner or on which the department has issued a removal order after July 5, 1997, is removed from service in this state prior to July 5, 1997, may be installed in this state; however, the device shall meet the specifications, tolerances, and other technical requirements for weighing and measuring devices in the National Institute of Standards and Technology Handbook 44 and be traceable to an active CC."

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<td>Section 5.</td>
<td>Modify the existing text to delete section 5.</td>
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<td>Participating</td>
<td>Modify the existing text to delete section 6.</td>
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<tr>
<td>Laboratory and</td>
<td>Effective Date</td>
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<tr>
<td>Agreements</td>
<td>Modify the existing text to delete section 7.</td>
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|                   | Modify the existing text in section (f) with the following: "A device in service in this state prior to July 5, 1997, that is still in use may be installed at another location in this state provided the device meets requirements in effect as of the date of installation in the new location; however, the device shall not be required to be traceable to an active CC."
|                   | Modify the existing text in section (g) with the following: "A device in service in this state prior to July 5, 1997, may be installed in this state; however, the device shall meet the specifications, tolerances, and other technical requirements for weighing and measuring devices in the National Institute of Standards and Technology Handbook 44 and be traceable to an active CC."
WAC 16-662-120 Inspections of the net contents of packaged goods under NIST Handbook 133. WSDA will inspect packages using either "used dry tare" or "unused dry tare" in accordance with the procedures in NIST Handbook 133 and as defined in Appendix F Glossary. WSDA does not use "wet tare" in inspecting packages.

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.

WAC 16-662-140 Retail sales of motor fuels. All devices used for retail motor fuel sales shall:

1. Display the price per gallon or price per liter as set forth in NIST Handbook 44 adopted under this chapter;

2. Indicate the amount of fuel delivered during a single retail transaction as set forth in NIST Handbook 44 adopted under this chapter;

3. Compute and display the selling price per unit as set forth in NIST Handbook 44 adopted under this chapter;

4. Compute and display the total selling price for a single retail transaction as set forth in NIST Handbook 44 adopted under this chapter; and

5. Provide a receipt for retail transactions as set forth in NIST Handbook 44 adopted under this chapter.

WAC 16-662-145 Posting of motor fuel prices—Cash and credit sales. The following rules apply to the posting of prices of retail sales of motor fuels. As used herein, motor fuel means any fuel used in motor vehicles including, but not limited to, gasoline, diesel, propane, and alcohol-gasoline blends. As used herein, motor vehicles shall include all wheeled motorized vehicles, and all boats and airplanes.

1. The posted or advertised price of motor fuel at retail outlets must be available to all consumers. Any condition or qualification required to obtain the posted price must be clearly displayed in letters of contrasting color at least one-third the size of the posted price and immediately adjacent thereto.

2. The posted or advertised grade of fuel must be clearly displayed in letters of contrasting color at least one-sixth the size of the posted price and immediately adjacent thereto.

3. A cash price may be posted or advertised if the posting of the price clearly shows it to be limited to cash purchases. The information shall be in letters at least one-third the size of the posted price and immediately adjacent thereto.

4. If mixed case letters are used to display the grade of the fuel and any condition or qualification, the size requirements of the letters apply to the upper case letters and any lower case letters must be in proportionate scale.

5. Cash and credit sales. If a retailer elects to establish separate islands or individual dispensers for cash and credit sales, the islands or dispensers shall be clearly marked as such in letters at least six inches in height and of proportional width.

6. Posted prices of motor fuels at retail outlets shall include all federal, state, and local taxes.

WAC 16-662-150 Unlawful acts—National type evaluation program (NTEP). It shall be unlawful for a person to:

1. Use a device in commercial application if a certificate of conformance has not been issued for such device, unless exempt under WAC 16-662-105 (3)(e).

2. Sell a device for use in commercial application if a certificate of conformance has not been issued for such device, unless exempt under WAC 16-662-105 (3)(e).

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