

December 4, 2019 Board Update

Division of Consumer Equitability



Program Updates – As of November 15, 2019

- Metrology
 - FY20 total items calibrated: 491
- Petroleum Technology
 - FY20 total samples tested: 1,193
 - FY20 sample failures: 19
 - FY20 fuel quality consumer complaints: 2
- Weights and Measures
 - FY20 devices inspected: 13,502
 - FY20 package and price verification inspection hours: 52
 - FY20 repair orders issued: 317
 - FY20 stop-use orders issued: 90
 - FY20 consumer complaints received: 41

Industry Impact

- Fuel Standards Development and Approval

NRS 590.010 to 590.150, inclusive, is known as the Nevada Petroleum Products Inspection Act (NPPIA). The NPPIA directs that the State Board of Agriculture adopt by regulation specifications for motor vehicle fuels sold in Nevada; certain standards relating to biodiesel fuels are, however, adopted directly within NRS Chapter 590.

CE's Petroleum Technology program chemists serve as technical subject matter advisors to the Board of Agriculture, providing recommendations to the board in areas of regulation pertaining to petroleum products, including standards for motor vehicle fuels. Monitoring of compliance with the adopted regulations is carried out by the Division of Consumer Equitability (CE) through its Weights and Measures inspection activities and testing of fuel samples in CE's Petroleum Technology program laboratories. Violation of these regulations is considered a misdemeanor. Additionally, the State Sealer of Consumer Equitability is authorized to adopt by regulation a schedule of civil penalties for violation of the NPPIA.

To assist the Board of Agriculture in its responsibility to adopt the specifications for motor vehicle fuels, CE's chemists regularly monitor the petroleum industry, the renewable fuels industry and various federal regulatory agencies to identify emerging issues and technology affecting fuel standards. CE's Senior Petroleum Chemist, Dr. Bill Striejewske, currently serves as Chairman of the National Conference on Weights and Measures' (NCWM) Fuels and Lubricants Subcommittee (FALS) and is an active participant in ASTM's Committee D02 on Petroleum Products, Liquid Fuels, and Lubricants, and currently serves as an ASTM D02 subcommittee Vice-Chair.

ASTM is a consensus driven organization, which strives to provide a neutral forum for the standards development and revision process with private and public sector cooperation

where every member has a say. Standards documents are drafted and revised in task groups and new standards are required to be balloted at the subcommittee level at least once. Following subcommittee approval, the proposed standard is voted on at the main committee level. Available worldwide, ASTM standards provide a level playing field for producers, answer regulatory needs and reinforce consumer confidence.

In most cases, fuel standards established by ASTM and adopted in other states in the US are also appropriate for Nevada. However, in certain cases, modifications to those standards may be necessary to address the specific needs of our state. Where an ASTM standard is adopted by reference in Nevada Administrative Code Chapter 581, subsequent updates to the standard become effective unless the Board of Agriculture acts within 120 days of the effective date of the standard disapproving of the revision. This action would come in the form of administrative rulemaking in accordance with NRS Chapter 233B.

While the US Department of Commerce National Institute of Standards and Technology's (NIST) Handbook 130: Uniform Laws and Regulations in the areas of Legal Metrology and Fuel Quality also frequently adopts by reference ASTM standards, Nevada does not currently adopt by reference the *Uniform Fuels and Automotive Lubricants Inspection Law* or *Uniform Fuels and Automotive Lubricants Regulation* sections of NIST Handbook 130.

As CE's chemists identify regulatory additions and/or additions to Nevada's fuel standards, those items are brought forth to the Board of Agriculture for approval to initiate the administrative rulemaking process required by NRS Chapter 233B. The final product resulting from the rulemaking process must be adopted by the Board of Agriculture. The adopted regulations are subject to approval by the Nevada Legislative Commission, which typically meets every other month during the interim periods between legislative sessions.