
Division Overview

- Pending matters of significance
 - The persistent diesel fuel dispenser filter clogging issue in Northern Nevada during cold weather periods appears to be resolved. On September 16, 2022, pipeline operator Kinder Morgan (KM) began using an alternative drag reducing agent (DRA) in the SFPP North pipeline serving the Sparks, Nevada KM terminal. The alternative DRA does not contain stearamide, an organic compound believed to be the cause of the filter clogging. The NDA has not received any reports of diesel filter clogging since the new DRA has been in use.
 - The increased number of consumer complaints regarding advertising and accuracy of motor vehicle fuel prices has brought to light that a significant number of retail motor vehicle fuel stations have streetside advertising signs that do not meet the requirements of NRS 590.160 through 590.330. The NDA recognizes that most of these violations are unintentional and not designed to mislead consumers. Correction of many of these violations will take industry time to complete, particularly during times of supply chain and labor constraints. In response to a request from the Nevada Petroleum Marketers and Convenience Store Association, the NDA will defer enforcement action for unintentional violations of NRS 590.160 through 590.330 until January 1, 2024. During this period, NDA staff will continue to issue notices of violation, but any such notice will indicate the date by which the violation must be corrected as January 1, 2024. However, irrespective of this general enforcement deferral, violations that result in consumers being grossly misled will still be required to be corrected immediately.
 - On July 13, 2022, the National Conference on Weights and Measures (NCWM) adopted changes to the National Institute of Standards and Technology (NIST) Handbook 44, making permanent the standards for commercial electric vehicle fueling systems effective January 1, 2023. The NDA adopts NIST Handbook 44 by reference in Nevada Administrative Code (NAC) 581.011. On November 10, 2022, Director Ott, acting in her capacity as State Sealer of Measurement Standards, issued a letter granting an exemption from Section 3.40 of NIST Handbook 44 from enforcement throughout calendar year 2023. The letter also exempted electric vehicle supply equipment used for a commercial purpose from the licensing requirement in NAC 581.275, and service agencies and servicepersons service electric vehicle supply equipment from the requirements of NAC 581.300 through NAC 581.400.
 - These exemptions are intended to provide time to the NDA to understand the effects of enforcement of these standards on the electric vehicle fueling system industry to determine if modifications to the standards are necessary to maintain good commercial practices in Nevada, as well as time for the industry to consider the potential changes.

- The NDA will continue to monitor proposals under consideration by the NCWM to further amend Section 3.40 of NIST Handbook 44 and will provide industry with notice when administrative rulemaking process for the adoption of electric vehicle fueling systems regulations in Nevada begins.
- Administrative Rulemaking
 - R027-21 (NAC 590 - State Sealer): Establishes civil penalties for violations of the Nevada Petroleum Products Inspection Act. Approved by the Legislative Commission September 27, 2022.
 - R037-21 (NAC 590 – Board of Agriculture): Adopts specifications for diesel exhaust fluid (DEF) and petroleum heating products, updating information regarding fuel standards adopted by the Board, and revising provisions governing civil penalties for certain violations. Approved by the Legislative Commission September 27, 2022.
 - R038-21 (NAC 590 – Board of Agriculture): Provides for regulations governing the sale of gasoline containing more than 10 percent ethanol (E15). Workshops held April 6, 2022, and November 7, 2022. Hearing for adoption by the Board of Agriculture scheduled for December 14, 2022
 - R026-21 (NAC 581 – State Sealer): Implements provisions of SB404 pertaining to cannabis weighing and measuring equipment. Workshop held for June 15, 2022. Adoption hearing scheduled for December 19, 2022.
 - R070-22 (NAC 581 – State Sealer): Makes various changes to the regulations governing weights and measures, including:
 - Updates the fees charged for the calibration services provided by the Nevada Metrology Laboratory.
 - Updates to the schedule for certification of standards used by a service agency or serviceperson to repair or adjust a weighing or measuring device.
 - Eliminates the requirement that a person who installs or makes a repair or adjustment to a weighing or measuring device used as commercial weighing or measuring equipment must provide oral notice of such action to the State Sealer of Measurement Standards.
 - Adopts by reference the National Conference on Weights and Measures (NCWM) Publication 14, which pertains to the NCWM’s National Type Evaluation Program (NTEP).
 - Updates the requirements related to traceability of certain weighing and measuring devices to an active certificate of conformance, expanding the authority of the State Sealer of Measurement Standards to authorize the use of types of weighing and measuring devices that are not traceable to an active certificate of conformance to include those device or system types that do not have evaluation procedures published in the NCWM Publication 14. Furthermore, the proposed change establishes a definition for one-of-a-kind devices and authority is granted to State Sealer of Measurement Standards to authorize the use of one-of-a-kind

devices which have not been issued an NTEP certificate of conformance if such device(s) comply with the requirements of National Institute of Standards and Technology Handbook 44.

- Eliminates the adoption by reference of the Uniform Open Dating Regulation.
- The economic impact survey for this regulation file is open through December 16, 2022. It is anticipated that a workshop for this regulation file will be held early in calendar year 2023.

Program Updates

- Metrology – As of November 28, 2022
 - FY23 total items calibrated: 1,154
- Petroleum Technology – As of November 28, 2022
 - FY23 total fuel samples tested: 1,195
 - FY23 fuel sample failures: 53
 - FY23 fuel quality consumer complaints: 8
 - FY23 fuel price accuracy consumer complaints: 9
- Weights and Measures – As of November 10, 2022
 - FY23 devices inspected: 16,021
 - FY23 package and price verification inspection hours: 188.75
 - FY23 repair orders issued: 456
 - FY23 stop-use orders issued: 157
 - FY23 weights and measures consumer complaints: 27