

PROPOSED RULE – AGENCY # 209.02

**ARKANSAS STATE PLANT BOARD
RULES REGARDING THE ADOPTION OF THE NATIONAL INSTITUTE OF
STANDARDS AND TECHNOLOGY (NIST) HANDBOOKS**

Adoption of NIST Handbook 44

The Arkansas State Plant Board (State Plant Board) hereby adopts the NIST Handbook 44, as amended from time to time by the National Conference on Weights and Measures (NCWM), as the uniform standards regarding the regulation of specifications, tolerances, and other technical requirements for weighing and measuring devices to be enforced by the Arkansas Bureau of Standards.

Adoption of NIST Handbook 112

The State Plant Board hereby adopts the NIST Handbook 112, as amended from time to time by the NCWM, as the uniform standards regarding the procedures for commercial weighing and measuring devices to be enforced by the Arkansas Bureau of Standards.

Adoption of NIST Handbook 130

The State Plant Board hereby adopts the NIST Handbook 130, as amended from time to time by the NCWM, as the uniform standards regarding the regulation of legal metrology and engine fuel quality to be enforced by the Arkansas Bureau of Standards.

Notwithstanding the provisions of the NIST Handbook 130, the Arkansas State Plant Board hereby adopts the following provisions regarding the regulation of legal metrology and engine fuel quality, which shall supersede any conflicting provisions within NIST Handbook 130:

Retail Dispenser Labeling of Fuel Ethanol. Each retail dispenser of fuel mixtures containing no more than ten (10) percentage denatured ethanol shall be labeled: “This fuel product may contain up to 10 percentage ethanol.” Retail dispensers of fuel ethanol of more than ten (10) percentage ethanol shall be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word “ethanol” (Example: E15 Ethanol).

Documentation. When products regulated by this rule are sold, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery other than a retail sale. This document must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. Documentation must be retained at the retail establishment for a period not less than thirty (30) days.

Adoption of NIST Handbook 133

The State Plant Board hereby adopts the NIST Handbook 133, as amended from time to time by the NCWM, as the uniform standards regarding the regulation of checking the net contents of packaged goods to be enforced by the Arkansas Bureau of Standards.

Violations

Any person that violates a provision of this rule or the standards contained in NIST Handbooks 44, 112, 130, or 133 shall be subject to enforcement action pursuant to the “Arkansas State Plant Board Bureau of Standards Enforcement Response Rule.”

Effect on Existing Rules

This rule supersedes any prior rules promulgated by the Arkansas State Plant Board or Bureau of Standards pertaining to NIST Handbooks 44, 112, 130, and 133.

Severability

If any court of competent jurisdiction finds provisions of this rule invalid or unenforceable, the remaining provisions shall not be affected or impaired and shall continue in force and effect as if the invalid provisions had not existed.