

**ADOPTED REGULATION OF THE
STATE SEALER OF CONSUMER EQUITABILITY**

LCB File No. R107-15

Effective March 10, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1, 2 and 4, NRS 590.400; §3, NRS 590.073 and 590.100.

A REGULATION relating to fluids; revising standards for antifreeze and aviation fuel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires antifreeze sold in this State to be licensed by the State Sealer of Consumer Equitability. (NRS 590.380, as amended by section 204 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3640) Existing regulations provide standards for antifreeze adopted by the State Sealer of Consumer Equitability. (NAC 590.010, 590.030)

Section 1 of this regulation revises the standards adopted for antifreeze. **Section 2** of this regulation updates information regarding the cost of acquiring and the availability of the adopted standards. **Section 4** of this regulation repeals standards adopted for prediluted antifreeze made redundant by changes made in **section 1**.

Existing law authorizes the State Sealer of Consumer Equitability to adopt specification standards for aviation fuel sold or offered for sale in this State. (NRS 590.073) Existing regulations adopt by reference certain published standards for aviation fuel. (NAC 590.055) **Section 3** of this regulation revises the adopted standards to include separate standards for leaded aviation gasoline and turbine fuel, and updates information regarding the cost and availability of the adopted standards.

Section 1. NAC 590.010 is hereby amended to read as follows:

590.010 ~~[Except as otherwise provided in NAC 590.030:]~~

1. The specifications for antifreeze based on ethylene glycol and the specifications for antifreeze based on propylene glycol, *including, without limitation, prediluted and concentrated antifreeze*, contained in ~~[Volume 15.05, "Engine Coolants," of the 2001 Annual Book of ASTM Standards, ASTM designation D3306-00a,]~~ *the most recent version of ASTM*

D3306, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light-Duty Service," set forth in Volume 15.05, "Engine Coolants and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents; Industrial and Specialty Chemicals," of the Annual Book of ASTM Standards published by ASTM International are hereby adopted by reference.

~~{2. The chemical and physical properties of any antifreeze other than those classified in subsection 1 must be:~~

Water, mass %.....	5 max
Specific gravity 60°F/60°F.....	1.11 to 1.15
pH (33% by volume) 7.5 to 11.....	7.5 to 11
Equilibrium boiling point.....	300°F min
Freezing point, 50% by volume.....	34°F max
Foaming test.....	
Increase in volume at 5 minutes.....	150 ml max
Break time.....	5 sec max

~~3. In addition to the properties listed in subsection 2, any antifreeze other than those classified in subsection 1 must meet the following specifications for corrosion (loss of weight per specimen):~~

Copper.....	10 mg max
Solder.....	20 mg max

Brass	10 mg max
Steel	10 mg max
Cast iron	10 mg max
Aluminum	30 mg max

~~4.1~~ *Each new revision of that standard shall be deemed approved by the State Sealer of Consumer Equitability unless the revision is disapproved by the State Sealer of Consumer Equitability or his or her designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$44.*

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

Sec. 2. NAC 590.035 is hereby amended to read as follows:

590.035 Volume 15.05, “Engine Coolants ~~and~~ *and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents; Industrial and Specialty Chemicals,*” of the ~~2001~~ *Annual Book of ASTM Standards*, is available for inspection at the office of the State Department of Agriculture, ~~350 Capitol Hill Avenue, Reno, Nevada 89502.~~ *Division of Consumer Equitability, 2150 Frazer Avenue, Sparks, Nevada 89431, and 2300 McLeod Street, Las Vegas, Nevada 89104.* The volume may be purchased at a cost of ~~\$140~~ *\$226* from ASTM

International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania ~~19428-1~~ 19428-2959, or at the Internet address <http://www.astm.org>.

Sec. 3. NAC 590.055 is hereby amended to read as follows:

590.055 1. The State Sealer of Consumer Equitability hereby adopts by reference the *most recent* specifications for aviation fuel contained in Volume 05.01, "Petroleum Products and Lubricants (I)," of the ~~120021~~ *Annual Book of ASTM Standards*, ASTM designations D910 ~~1-001~~, *"Standard Specification for Leaded Aviation Gasolines,"* and D1655 ~~1-01-1~~, *"Standard Specification for Aviation Turbine Fuels."* *Each new revision of these standards shall be deemed approved by the State Sealer of Consumer Equitability unless the revision is disapproved by the State Sealer of Consumer Equitability or his or her designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standards are available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$52.80 for ASTM D910 and \$60 for ASTM D1655.*

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

Sec. 4. NAC 590.030 is hereby repealed.

TEXT OF REPEALED SECTION

590.030 Adoption by reference of standards for prediluted antifreeze. (NRS 590.400)

1. The minimum standards of chemical and physical properties for an antifreeze which:

(a) Is labeled as prediluted antifreeze; and

(b) Displays prominently on the front label the words “DO NOT ADD WATER,”

↪ contained in Volume 15.05, “Engine Coolants,” of the 2001 Annual Book of ASTM Standards, ASTM designation D3306-00a, are hereby adopted by reference.

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R107-15

1. A clear and concise explanation of the need for the adopted regulation.

The first section updates language pertaining to aviation fuels. The second section sets a minimum octane rating of 87 except in a specified geographic area. The third section updates antifreeze specifications and standardizes language to the same form as fuel specifications.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of fuel regulations, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDA) www.agri.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431-5566

Nevada Department of Agriculture
2150 Frazer Avenue
Sparks, NV 89431

Nevada Department of Agriculture
2300 McLeod Street
Las Vegas, NV 89104-4314

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801-4672

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: William Striejewski
405 South 21st Street
Sparks, NV 89431

3. The number of persons who:

(a) Attended each hearing:

(b) Testified at each hearing:

(c) Submitted written comments:

Workshop date: September 10, 2015

Number in attendance: 3; all in person

Number testifying: 2

Written statements submitted: One, from Chevron, reiterates comments made by Chevron representative present at workshop

Hearing date: November 30, 2015

Number in attendance: 3; two in person and one teleconferenced

Number testifying: None

Written statements submitted: Three, from Chevron (identical to submission to workshop); Alliance of Automobile Manufacturers; and Association of Global Automakers

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
- (a) Name;**
 - (b) Telephone number;**
 - (c) Business address;**
 - (d) Business telephone number;**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented.**

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Retail Association of Nevada

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Among the stakeholders who were contacted about the changes proposed in LCB File R094-15 were: Regulatory Affairs Officers with refiners; the Western States Petroleum Association (WSPA), which represents the larger refiners and retailers, as well as WSPA's Nevada representative; the Nevada representative of the Petroleum Marketers Association, which represents smaller retailers; and a representative of the Retail Association of Nevada.

In addition, retailers selling gasoline with an 85 octane rating who would be affected by this action were contacted by mail and encouraged to comment.

All antifreeze manufacturers registered in Nevada were contacted in relation to this action, and encouraged to comment.

Those offering comment are listed in Sections 3 and 4 of this document.

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: William Striejewski, Consumer Equitability Division
405 South 21st Street
Sparks, NV 89431

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The proposed regulation was presented to stakeholders and interested parties, and accepted by them without change.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

(a) **Estimated economic effect on the businesses which they are to regulate.**

(b) **Estimated economic effect on the public which they are to regulate.**

The updating of language will be invisible to business, having neither a beneficial or adverse effect; the codifying of a minimum octane rating should have no effect on businesses, either beneficial or adverse.

The updating of language will be invisible to the public as well, having neither a beneficial or adverse effect; the codifying of a minimum octane rating should have no effect on the public, either beneficial or adverse.

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

Does not apply.

9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or**

overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

Does not apply.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Does not apply.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Does not apply.