



FREQUENTLY ASKED QUESTIONS

NIST HANDBOOK 130 TRACTOR HYDRAULIC FLUID AMENDMENTS

The National Conference on Weights and Measures (NCWM) adopted this past summer amendments to its NIST Handbook 130 applicable to the sale of tractor hydraulic fluids (THFs). Handbook 130 also includes provisions governing the sale of automotive lubricants, including engine oils and transmission fluids. ILMA has been responding to member questions concerning the THF provisions in Handbook 130 and wants to share some of these inquiries and answers.

1. *Where can I find a free copy of the NIST Handbook 130 amendments for “tractor hydraulic fluids” (THFs)?*

The 2020 edition of Handbook 130, which contains the new tractor hydraulic fluid provisions, can be downloaded here: <https://www.nist.gov/system/files/documents/2019/12/06/00-20-hb130-final.pdf>.

2. *What is the effective date for the THF provisions, and does it apply in all states?*

The THF provisions added to Handbook 130 are effective as of January 1, 2020.

In Handbook 130, the THF requirements can be found in two sections -- “Method of Sale” and “Uniform Engine Fuels & Automotive Lubricants Regulation.” Any state that adopts at least one of these two sections has the ability to enforce the THF provisions.

According to the National Conference on Weights and Measures (NCWM), the following 19 states *automatically* adopt either or both of these sections, meaning that the THF amendments are legally enforceable in these jurisdictions as of January 1, 2020:

Arkansas, Connecticut, Illinois, Maine, Missouri, Nevada, New Hampshire, New Jersey, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia.

Even though less than half the states automatically adopt the latest edition (*i.e.*, 2020) of Handbook 130 for these two sections, keep in mind that the THF provisions become the “baseline” under ILMA’s enforceable Code of Ethics.

If there is a question about legal applicability of the THF provisions in Handbook 130 in a particular state, contact its weights and measures program.

3. ***Is there a sell-through period for existing inventory of THFs as of December 31, 2019?***

Handbook 130 does not provide for an inventory sell-through period. However, many state weights and measures officials have told ILMA that they recognize that labels need to be changed and that inventories need to turn over, so they *informally* may allow a “grace period,” provided that the regulated entity does not “load up” on “old” products leading up to the deadline. Again, if there is a question about enforcement in a particular state, contact its weights and measures office.

If an ILMA member becomes subject to a THF enforcement action immediately after January 1, 2020, the Association’s General Counsel, Jeff Leiter, suggests pointing out to the weights and measures inspector that the 2020 Edition of Handbook 130 was not officially posted online by NCWM until November 19, 2019.

4. ***What is the Handbook 130 definition of “tractor hydraulic fluid”?***

As defined in the “Uniform Regulations” at Section 1.54, “tractor hydraulic fluid” means “a product intended for use in tractors with a common sump for the transmission, final drives, wet brakes, axles, and hydraulic system.”

5. ***I have a product that is intended and sold for use as an “economy grade” THF, what must I do?***

As a threshold matter, Handbook 130 requires on after January 1, 2020, that a THF “shall meet at least one *current* and/or *verifiable* [OEM’s] specifications for respective tractors.” NCWM will maintain on its website (under “consumer fact sheets”) a list of current and verifiable specifications. The initial list can be viewed here:

[https://cdn.ncwm.com/userfiles/files/Resources/Consumer%20Information/2019-11-OEM Specification THF List.pdf](https://cdn.ncwm.com/userfiles/files/Resources/Consumer%20Information/2019-11-OEM%20Specification%20THF%20List.pdf).

Weights and measures officials have been very specific with ILMA – that is, if an “obsolete” specification *cannot* be verified (*i.e.*, with bench and lab tests) based on the foregoing list, then a product claiming that obsolete specification does not meet the above, quoted language and, therefore, cannot be legally sold.

For example, under the Handbook 130 language and the NCWM’s published, verifiable list, a “303” THF product, by itself, cannot be legally sold after January 1, 2020, because “303” specification is neither a “current” OEM specification nor a “verifiable” one. However, a THF product claimed as meeting the current John Deere J20-C or J20-D specifications, can claim to meet obsolete John Deere specifications, such as J20-A and 303, because of backward compatibility.

Each container of THF must state at least one OEM specification that is either “current” or “verifiable.” If a manufacturer wants to make a “suitable for use” claim against a “current” or “verifiable” THF specification, then it will need to produce actual testing and other data to support the suitable-for-use claim. OEM licensing is deemed acceptable documentation against a performance claim.

Handbook 130 requires that each THF “container” be labeled “Tractor Hydraulic Fluid” or use similar label words, such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Fluid.”

If a manufacturer sells a THF product that claims an “obsolete” OEM specification that nevertheless is “verifiable” from the NCWM list, then the front container label must (i) identify the OEM specification as “obsolete,” and (ii) include the following cautionary statement in clearly-legible font size and color:

Caution: Some specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it was not intended.

However, if the THF product meets a current OEM specification and also claims one or more obsolete specifications because of backward compatibility, then the word “obsolete” and the above cautionary statement are *not* required on the front container label.

Please refer to the Handbook 130 language for other, specific container labeling requirements, such as brand name and quantity.

6. ***I have a product that is not intended and marketed for use in the central sump of a farm tractor, but the product nonetheless has agricultural and non-farm uses as a hydraulic fluid. What am I supposed to do?***

Many ILMA members have told the Association that there are numerous “ag” and other uses for their products that “look like” an “economy grade THF,” but that are not marketed for use as a THF. Handbook 130 is clear about products sold as “THFs” for use in the central sump of a tractor, but it is silent where the performance claim is for these other uses.

ILMA counsel has suggested to members that they consider adding to the container label language indicating that the product is not intended or recommended for use as a “tractor hydraulic fluid” as defined in Handbook 130. He believes that an affirmative statement provides the manufacturer with a defense, although he cautions that the “hydraulic fluid” still needs to meet other requirements, such as passing applicable seal tests, in order to make the hydraulic fluid performance claim(s). ILMA members should consult their counsel.

7. *I have a product that is not intended and marketed for use in the central sump of a farm tractor, but the product meets a current OEM's THF specification, such as John Deere J20-C. What am I supposed to do?*

If the product meets the current John Deere J20-C specification, for example, Handbook 130 requires stating that performance claim on the container label because it is intended and sold for use as a THF. Again, it is up to each ILMA member to make its own determination on container labeling; however, to avoid doubt, the Association's counsel recommends that, if the product is not intended for use as a THF, but it nonetheless meets a current OEM's THF specification, that this specification be included on the container label because the product's use as a THF could be foreseeable.

If you have other questions, please contact the ILMA office.