

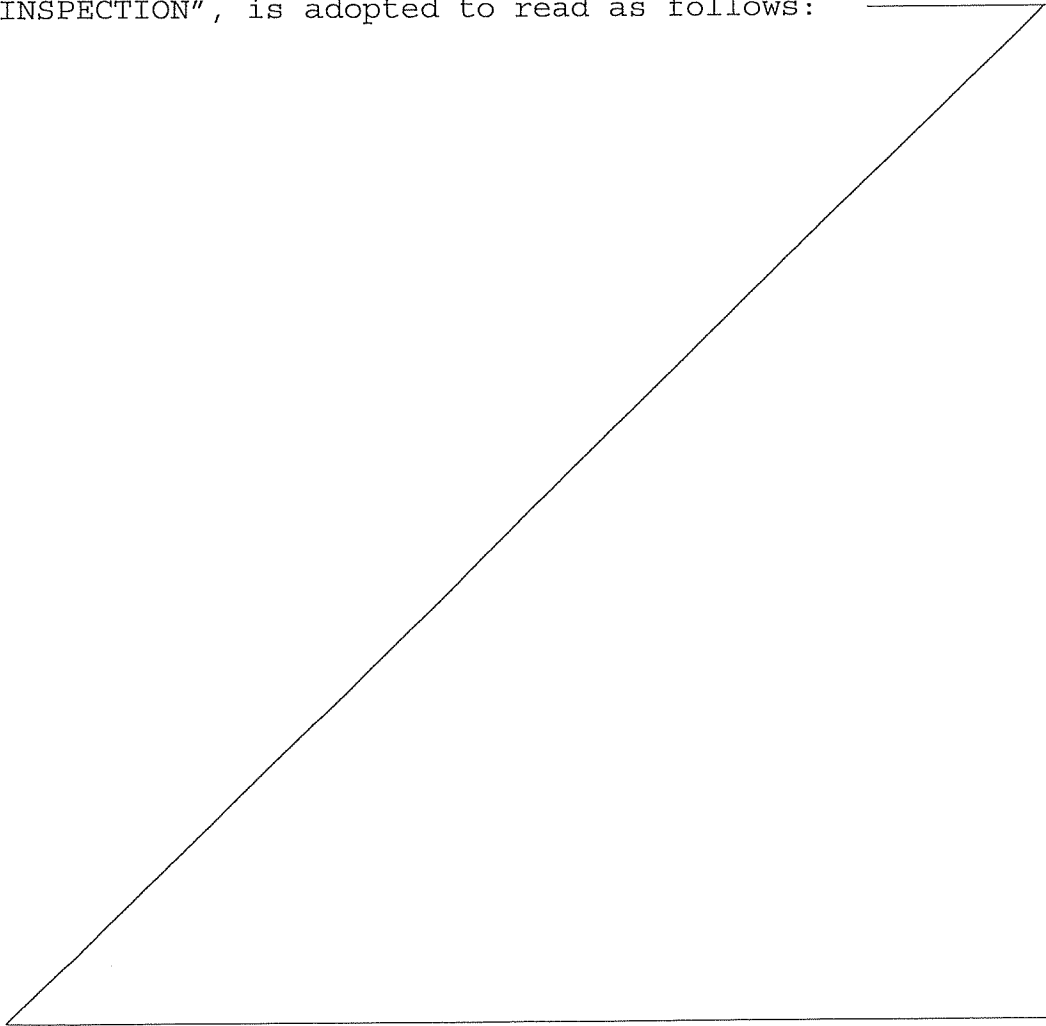
DEPARTMENT OF AGRICULTURE

Adoption of Chapter 4-186
Hawaii Administrative Rules

October 23, 2018

SUMMARY

2. Chapter 4-186, Hawaii Administrative Rules, entitled "PETROLEUM PRODUCTS ACCOUNTING AND INSPECTION", is adopted to read as follows:



"HAWAII ADMINISTRATIVE RULES

TITLE 4

DEPARTMENT OF AGRICULTURE

SUBTITLE 7

QUALITY ASSURANCE DIVISION

CHAPTER 186

PETROLEUM PRODUCTS ACCOUNTING AND INSPECTION

§4-186-1	Severability
§4-186-2	Violation
§4-186-3	Applicability
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§4-186-5	Incorporation of federal general code
§4-186-6	Specialty additive claims; substantiation
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§4-186-8	Disposal of non-complying products
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§4-186-10	Specifications for petroleum products
§4-186-11	Brake fluid
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§4-186-13	Lubricants
§4-186-14	Hawaii standard petroleum measurement tables
§4-186-15	Stay or delay or requirements

Historical note: This chapter is based
substantially upon chapter 4-86. [Eff 1/27/71; am
9/6/79; am 12/26/81; R]

§4-186-1 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remainder of this chapter and, to this end, any of the provisions of this chapter are severable.
[Eff **FEB 21 2019**] (Auth: HRS §§486-7, 486-56)
(Imp: HRS §486-37)

§4-186-2 Violation. Any person omitting the required acts or committing the prescribed acts, or delivering a product not in compliance with specifications, or through a device not in compliance with the requirements of this chapter shall be in violation of this chapter and subject to the provisions of chapter 486, Hawaii Revised Statutes.
[Eff **FEB 21 2019**] (Auth: HRS §§486-7, 486-56)
(Imp: HRS §486-53)

§4-186-3 Applicability. This chapter applies to brake fluids, coolants, petroleum products, additives, and their specifications, and to persons or activities involving these products. [Eff **FEB 21 2019**]
(Auth: HRS §§486-7, 486-56) (Imp: HRS §486-51)

§4-186-4 Definitions. As used in this chapter:
"Actual density" or "relative density" means the observed density or observed relative density, respectively, determined at a product temperature of sixty degrees Fahrenheit or which has been corrected to sixty degrees Fahrenheit, and is expressed by the relationship: relative density sixty/sixty degrees Fahrenheit equal one hundred and forty-one and five tenths divided by the quantity API gravity at sixty degrees minus one hundred and thirty-one and five tenths (Relative density 60/60°F = 141.5);
"Administrator" means the administering officer of the quality assurance division or any qualified person so designated by the chairperson of the board of agriculture;

"After-market additive" means a commodity marketed for addition, by the consumer or a person other than Require the manufacturer, to a liquid petroleum product for purposes of enhancing the characteristics of the liquid petroleum product or its performance, as in an internal combustion engine;

"API" means American Petroleum Institute;

"API gravity" means the relationship expressed by degrees API equal one hundred and forty-one and five tenths divided by relative density as sixty/sixty degrees Fahrenheit, minus one hundred thirty-one and five tenths, and is abbreviated °API. (°API = Relative Density 60/60°F - 131.5);

"ASTM" means American Society for Testing and Materials International;

"Base-gasoline" means the gasoline component of a gasoline-ethanol blend;

"Degrees API" means API gravity, which is a special density scale adopted in 1921 by the national bureau of standards in lieu of the Baumé scale;

"Density" means the mass per unit volume;

"Ethanol" means nominally anhydrous ethyl alcohol meeting ASTM D4806. Ethanol is intended to be used as a gasoline blend component for use as a fuel in a spark-ignition internal combustion engine. The denatured fuel ethanol is first made unfit for drinking by the addition of a substance approved by the Alcohol and Tobacco Tax and Trade Bureau (ATTB) prior to blending with gasoline;

"Gasoline" means a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in spark-ignition, internal combustion engines, and which may contain ethanol;

"Gravity" means API gravity;

"Inspector: means an employee of official of the department of agriculture authorized to administer and enforce this chapter;

"LPG" means liquefied petroleum gas in the liquid state;

"Market" or "marketing" means the activities and actions leading to the sale or potential sale of a commodity. It includes all aspects of trade and commerce, labeling, merchandising, mercantiling, and selling the net measure of a commodity;

"Observed density" or "observed relative density" means the value observed on the scale of a hydrometer when the scale indication is read at the point where the principal surface of the liquid would intercept the stem of the immersed hydrometer if there were no meniscus, the principal surface being read as a flat plane rather than an ellipse. It is an incorrect indication of the density of the product unless the liquid temperature is, or is corrected to, sixty degrees Fahrenheit. (See "actual density");

"Petroleum Measurement Tables" means the following tables, ASTM D1250-08(2013)e1, Standard Guide for Petroleum Measurement Tables as published by the ASTM October 2015:

API Manual of Petroleum Measurement Standards (MPMS) Chapter 11.1-2004 Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils (Including Addendum 1-2007); or
ASTM D1250-80 (Annex A1 of D1250-07)

Volume I:

Table 5A--Generalized Crude Oils, Correction of Observed API Gravity to API Gravity at 60°F;
Table 5B--Generalized Products, Correction of Observed API Gravity to API Gravity at 60°F;
Table 6A--Generalized Crude Oils, Correction of Volume to 60°F Against API Gravity at 60°F;

Volume II:

Table 6B--Generalized Products, Correction of Volume to 60°F Against API Gravity at 60°F;

Volume III:

Table 23A--Generalized Crude Oils, Correction of Observed Relative Density to Relative Density 60/60°F;

Table 24A--Generalized Crude Oils, Correction of Volume to 60°F Against Relative Density 60/60°F;

Volume V:

Table 23B--Generalized Products, Correction of Observed Relative Density to Relative Density 60/60°F;

Table 24B--Generalized Products, Correction of Volume to 60°F Against Relative Density 60/60°F;

Volume VI:

Table 53A--Generalized Crude Oils, Correction of Observed Density to Density at 15°C;

Table 54A--Generalized Crude Oils, Correction of Volume to 15°C Against Density at 15°C;

Volume VIII:

Table 53B--Generalized Products, Correction of Observed Density to Density at 15°C;

Table 54B--Generalized Products, Correction of Volume to 15°C Against Density at 15°C and the following tables, as listed in the petroleum measurement tables D1250-08, as published by the ASTM in the eleventh edition, August 2007;

Table 2--Temperature conversions;

Table 8--Pounds per U. S. gallon at sixty degrees Fahrenheit and U. S. gallons at sixty degrees Fahrenheit;

"Petroleum product" means automotive gasoline, diesel fuels, fuel oils, liquefied petroleum gas both liquid and vapor, residuals, distillates and fractions, kerosene, aviation fuels, turbine fuels, solvent, hydrocarbons or synthetics, crude oil, lubricating oil, or any other oil or distillate or blends of the above, or any other product that may normally be considered a petroleum product, and synthetic natural gas or natural gas and manufactured gas or blends thereof;

"Relative Density 60/60°F" means the ratio of the weight of a given volume of oil at sixty degrees Fahrenheit to the weight of the same volume of water at sixty degrees Fahrenheit, both weights being corrected for the buoyancy of air;

"SAE" means the Society of Automotive Engineers International, or SAE International;

"Sealed" or "in seal" means a measurement standard, licensed for current use, which has been approved as to type by the administrator, and tested by the administrator, inspector, or a registered service person for correctness and found to be in compliance and to which has been affixed a seal attesting to such correctness and compliance. A device, which has been relocated or exchanged subsequent to sealing and which by design is not considered portable shall, when any such action is undertaken, lose its seal;

"Sixty/sixty °F" is a dimensionless number, expressing the ratio of the weight of a specific volume of petroleum product, the temperature of which is sixty degrees Fahrenheit, to the exact same volume of water, the temperature of which is sixty degrees Fahrenheit. It is abbreviated 60/60°F; and

"Viscosity" is a measure of the resistance of a fluid to flow. [Eff **FEB 21 2019**] (Auth: HRS §§486-7, 486-56) (Imp: HRS §§486-1, 486-2, 486-50)

§4-186-5 Incorporation of federal general code. National Institute of Standards and Technology Handbook 44 and Handbook 130, 2018 Edition are incorporated in and made a part of this chapter. [Eff **FEB 21 2019**] (Auth: HRS §486-7) (Imp: HRS §486-7)

§4-186-6 Specialty additive claims; substantiation. The making of a general or specific claim on the label of a specialty or after-market additive, marketed in the State, shall be substantiated and documented by the manufacturer or distributor, upon written request of the administrator.

- (1) Failure to support the labeled claim by certified documentation from a recognized testing laboratory may result in the product

being ordered "off-sale" until the documentation is received.

- (2) In the absence of any documentation supporting the labeled claims, tests may be conducted by the manufacturer or distributor in accordance with established procedures of the environmental protection agency to verify the label claims. The results of the tests shall be submitted to the administrator within one hundred and eighty-one days of receipt of the administrator's request. [Eff **FEB 21 2019**] (Auth: HRS §§486-56) (Imp: HRS §§486-56)

§4-186-7 Compliance with advertising or labeled claims required. Any product subject to this chapter shall satisfactorily perform as advertised or claimed on its label. If it is the intent of the manufacturer or distributor to limit or otherwise qualify the product's use, its labeling and advertising shall reflect this fact.

[Eff **FEB 21 2019**] (Auth: HRS §§486-7, 486-56)
(Imp: HRS §§486-7, 486-56)

§4-186-8 Disposal of noncomplying products. The administrator may dispose of any product subject to this chapter which fails to meet the requirements herein and which, after notification in writing, the manufacturer or distributor has failed to effect remedial action." [Eff **FEB 21 2019**] (Auth: HRS §§486-7, 486-56) (Imp: HRS §§486-7, 486-56)

§4-186-9 Misrepresentation prohibited. Misrepresentation in any manner is prohibited.
[Eff **FEB 21 2019**] (Auth: HRS §§
486-7, 486-56) (Imp: HRS §§486-7, 486-56)

4-186-10 Specifications for petroleum products.
The following specifications shall apply to petroleum products intended for consumer use:

- (1) Automotive gasoline shall conform to ASTM D4814-07B, class C volatility only, adopted on December 7, 2007;
- (2) Aviation gasoline shall conform to ASTM D910-17, as published in annual book of ASTM standards, section 5, 2017 edition;
- (3) Diesel fuel oils shall conform to ASTM D396-17, as published in 2017 annual book of ASTM standards, section 5, 2017 edition;
- (4) Fuel oils shall conform to ASTM D396-17, as published in 2017 annual book of ASTM standards, section 5, 2017 edition;
- (5) Hydrocarbon dry-cleaning solvent shall conform to ASTM D235-02, as published in 2012 annual book of ASTM standards, part 23, 2012 edition;
- (6) Kerosene shall conform to ASTM D3699-13, as published in 2013 annual book of ASTM standards section 5, 2013 edition;
- (7) Jet aviation turbine fuel shall conform to ASTM D6615-15a, as published in 2015 annual book of ASTM standards, section 5, 2015 edition;
- (8) Liquefied petroleum gas shall conform to ASTM D1835-16 as published in 2016 annual book of ASTM standards, section 5, 2016 edition;
- (9) Denatured fuel ethanol for blending with gasoline for use in automotive spark-ignition engines shall conform to ASTM D4806-07, as published in 2008 annual book of ASTM standards, section 5 2008 edition;
- (10) Gasoline blended with denatured fuel ethanol shall be blended under any of the following three options:

- (A) The base gasoline used in such blends shall meet the requirements of ASTM D4814-13b;
 - (B) The blend shall meet the requirements of ASTM D4814-13b; or
 - (C) The base gasoline used in such blends shall meet all the requirements of ASTM D4814-013b except distillation, and the blend shall meet the distillation requirements of the ASTM 4814-013b specification; and
- (11) Blends of gasoline and ethanol shall not exceed the ASTM D4814-13b vapor pressure standards. [Eff **FEB 21 2019**] (Auth: HRS §§486-7, 486-56) (Imp: HRS §§486-1, 486-2, 486-56)

§4-186-11 Brake fluid. The following appropriate specification shall apply to brake fluid, its containerization, labeling, handling, and dispensing:

- (1) Motor vehicle brake fluid shall conform to SAE J1703, as published in SAE handbook, 2016 edition;
- (2) Motor vehicle brake fluid container compatibility shall conform to SAE J75, as published in SAE handbook, 2006 edition; and
- (3) Production, handling, and dispensing of motor vehicle brake fluid shall conform to SAE J1703, as published in SAE handbook, 2017 edition. [Eff **FEB 21 2019**] (Auth: HRS §§486-7-486-56) (Imp: HRS §§486-1, 486-2, 486-56)

§4-186-12 Automotive antifreeze coolants and coolants. The following specifications shall apply to automotive antifreeze coolants and automotive coolants:

Automotive antifreeze coolants and automotive coolants shall be of the ethylene-glycol type and shall conform to SAE J1034, as published in SAE handbook, part 1, 2000 edition.

- (1) The minimum concentration of ethylene-glycol permitted in an automotive coolant offered for retail sale in the State shall be at least ninety percent by volume; and
 - (2) The label of the container of an automotive antifreeze coolant and automotive coolant shall disclose the minimum ethylene-glycol content, as a volume percent of the coolant.
- [Eff **FEB 21 2019**] (Auth: HRS §§486-7, 486-56) (Imp: HRS §§486-1, 486-2, 486-56)

§4-186-13 Lubricants. The following specifications shall apply to lubricants:

- (1) Engine oil performance and engine service classification shall conform to SAE J183, as published in SAE handbook, part 1, 2017 edition;
- (2) Engine oil viscosity classification shall conform to SAE J300, as published in SAE J300, as published in SAE handbook, part 1, 2015 edition;
- (3) Engine oil tests shall conform to SAE J304, as published in SAE handbook, part 1, 2016 edition;
- (4) Physical and chemical properties of engine oils shall conform to SAE J357, as published in SAE handbook, part 1, 2016 edition;
- (5) Automotive lubricating greases shall conform to SAE J310, as published in SAE handbook, part 1, 2005 edition;
- (6) Automatic transmission fluid shall conform to SAE J311, as published in SAE handbook, part 1, 2000 edition; and
- (7) Axle and manual transmission lubricants shall conform to SAE J308, as published in SAE handbook, part 1, 2007 edition.

§4-186-13

[Eff **FEB 21 2019**] (Auth: HRS §§486-7,
486-56) (Imp: HRS §§486-1, 486-2, 486-56)

§4-186-14 Hawaii standard petroleum measurement tables. (a) The density and volume of petroleum products shall be determined, verified, and delivered in accord with the appropriate Hawaii standard petroleum measurement table.

(b) It shall be the responsibility of a petroleum product supplier, as relates to the temperature and density of petroleum products marketed intrastate, to constantly monitor and display these characteristics and conditions, for inclusion by the measuremaster, on all certificates of measure posted at all rack meter loading facilities. [Eff **FEB 21 2019**] (Auth: HRS §§486-7, 486-56) (Imp: HRS §§486-1, 486-2, 486-56)

§4-186-15 Stay or delay of requirements. The chairperson may, for reasons of supply, stay, postpone, delay the effective date, or set aside any requirement of this chapter, under emergency controlled conditions, for a period not to exceed one hundred and eighty days." [Eff **FEB 21 2019**]
(Auth: HRS §§487-7) (Imp: HRS §487-7)

DEPARTMENT OF AGRICULTURE

Chapter 4-86, Hawaii Revised Statutes, was repealed and Chapter 4-186, Hawaii Administrative Rules, on the Summary Page dated October 23, 2018, was adopted on October 23, 2018, following public hearings held in, Kona, Kauai, Hilo, Maui and Oahu, on September 14, 2018, September 17, 2018, September 19, 2018, September 21, 2018, and September 24, 2018, respectively, after public notice was published in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Isle on August 8, 2018.

The adoption of chapter 4-186, shall take effect the first day of the month following ten days after filing with the Office of the Lieutenant Governor.



SCOTT E. ENRIGHT
Chairperson
Board of Agriculture

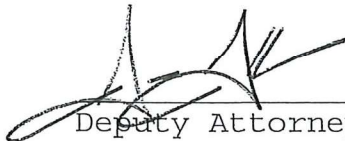
APPROVED:



DAVID Y IGE
Governor
State of Hawaii

Dated: 02-11-2019

APPROVED AS TO FORM:



Deputy Attorney General

Filed

LIEUTENANT GOVERNOR S
OFFICE

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