

California
Department of Food and Agriculture
Division of Measurement Standards
Petroleum Products Program
Fuels and Lubricants Laboratory

Update on Activities

BAR Advisory Group Meeting
April 18, 2019

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This is Why We Test!



This Goo was found in a drum of ATF that was responsible for multiple transmission failures!

Topics

- Program Activities
- Rule Making Activities
- CDFA role in Transmission Fluids
 - Labeling Requirements
 - Understanding of labeling requirements
 - Specifications
 - Understanding of California quality specifications requirements
 - Enforcement
 - What to expect from enforcement
 - Future

Program Activities

- Laboratory
 - Diesel Exhaust Fluid Testing
 - Motor Oil and Transmission Fluid Additive Metals Testing
 - Natural Gas Compositional Analysis
- Enforcement
 - Reopened Fresno Field office
 - New hires to replace retirements
- Standard Development
 - Natural Gas Fuel Quality Specifications
 - NCWM motor oil and transmission fluid labeling
 - SAE Transmission Fluid Specifications discontinued as there was no OEM Interest

New Fuel Related Programs

- Alternative Fuels Quality Oversight Program
 - Hydrogen and new alternative fuels
 - Continuous funding from AB32 cost of implementation fund
 - Sampling of all Hydrogen fueling stations
- Electric Vehicle Supply Equipment
 - Charging Infrastructure. Developing testing capabilities for Level 1 & 2 (120/240 VAc) and DC fast charging (400 VDc to 1000 VDc)

Rule Making Activities

- **Proposed Regulation Under Review**
 - Electric Vehicle Fueling Systems
 - Reviewing Stakeholders Comments
- **Recent Approved Regulatory Actions**
 - Natural Gas Motor Vehicle Fuel Specifications
 - Effective April 1, 2018. Requires Labeling Methane Number
 - Motor Oil Assessment Fee
 - Effective 1-1-18. Raised Fee to 5 cents per gallon of motor oil
- **Pre-rulemaking**
 - Automatic Temperature Compensation at Retail Motor Vehicle Stations.
 - Establishes guidelines if a station chooses to use ATC
 - Fuels, Lubricants and Automotive Products: Method of Sale, Advertising and Labeling
 - Continuing AB808 changes
- <https://www.cdfa.ca.gov/dms/regulations.html>

Transmission Fluid Issues

- Fraud
 - Criminal activities include product substitution and preparing false labels
- Improperly Blended Fluids
 - Production Mistakes
- Multivehicle Transmission Fluids
 - Misunderstanding Duty Type Requirments

Transmission Fluid Labeling Requirements

BPC §13711.

(c)Transmission fluid shall be deemed to be mislabeled if any of the following occurs:

(1)The container does not bear a label on which is printed the brand name, the name and place of business of the manufacturer, packer, seller, or distributor, the words “Transmission Fluid”, and the duty type classification.

(2)The container does not bear a label on which is printed an accurate statement of the quantity of the contents in terms of liquid measure.

(3)The labeling on the container is false or misleading.

(4)The container and carton do not bear information that identifies the container lot or batch.

Transmission Fluid

- Brand Name
- Name and place of business of manufacturer, packer, seller, or distributor
- Product Name: “XYZ” Transmission Fluid
 - XYZ=Automatic, Continuously Variable, Dual Clutch, Synchronesh, etc.
- Duty type classification
 - OEM or Consensus Specification
 - Lot or Batch Number

CDFA Position on Duty Type Claims

- Acceptable Duty Types
 - Active OEM specifications
 - Obsolete OEM specifications
 - JASO or other consensus specifications
- Terms such as “Meets Recommended Requirements” or “Suitable for use in” is the same as “Meets”

Transmission Fluid Specifications

BPC §13710

(b) Transmission fluid shall meet the latest automotive manufacturers' recommended requirements for all transmissions disclosed on the label of its container. No transmission fluid shall be sold without clearly disclosing, on the label of its container, the type of transmission for which it is intended.

Transmission Fluid Requirements

- Transmission manufacturers and vehicle manufacturers set quality specification to ensure reliability, reduce product failure, and minimize warranty claims
- Specifications requirements may include
 - Chemical properties
 - Physical properties
 - Performance standards

What Do the Additive Companies Say

“Automatic transmission fluid is the most complex of all lubricating fluids....virtually every ATF is OEM-specific. In some cases, they're transmission-specific.”

“ATF additives are formulated using a delicate balance of componentry, and must be capable of functioning well in a variety of transmission, engine and vehicle combinations.”

“...offers a wide range of products that are tailored to meet the exacting frictional characteristics of hardware designs specified by OEMs...”

Why Multivehicle Fluids

- OEMs have a unique specification names
- Many specifications use the same formulation
- OEM Formulations are often proprietary
- Shops have limited capacity to carry multiple products

Fluid Producers or Additive Supplier Specifications

- The producers and additive suppliers have developed products that make claims of meeting OEM performance requirements while failing some of the requirements
- California law requires OEM requirements to be met.

Enforcement Activities At Shops

- Transmission fluid sampled
- Product duty type and claimed specification determined from label and Product Data Sheet
- Sample tested for compliance to physical specifications
 - Failure = product taken off sale; Notice of Violation to both Shop and Distributor
 - Possible Relabeling if incorrect Duty Types are claimed

Future

- Establish a working group to address needs of California motor vehicles owners and the auto repair industry
- Identify issues and provide solutions to those issues through a cooperative process
- Conduct outreach to consumers and industry representatives

California Laws

Division of Measurement Standards

Statutes:

**California Business and Professions Code,
Division 5, Chapters 6, 14, 14.5, and 15**

Regulations:

**California Code of Regulation,
Title 4, Division 9, Chapters 6 and 7**

Contact Information

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LABELING REQUIREMENTS

From the Business and Profession Code:

DEFINITIONS

§13700 (b) “Transmission fluid” means a product intended for use in a motor vehicle as either a lubricant, coolant, or liquid medium in any type of transmission, or any other type of unit through which, or by which, force, energy, or power is transferred from a motor vehicle engine by hydraulic means to the driving assembly. Transmission fluid does not include manual transmission lubricant, as described in the latest revision of the SAE Information Report on axle and manual transmission lubricants, SAE International J308.

MINIMUM SPECIFICATIONS

§13710 (b) Transmission fluid shall meet the latest automotive manufacturers’ recommended § requirements for all transmissions disclosed on the label of its container.

No transmission fluid shall be sold without clearly disclosing, on the label of its container, the type of transmission for which it is intended.

MISLABELING

§13711 (c) Transmission fluid shall be deemed to be mislabeled if any of the following occurs:

- (1) The container does not bear a label on which is printed the brand name, the name and place of business of the manufacturer, packer, seller, or distributor, the words “Transmission Fluid”, and the duty type classification.
- (2) The container does not bear a label on which is printed an accurate statement of the quantity of the contents in terms of liquid measure.
- (3) The labeling on the container is false or misleading.
- (4) The container and carton do not bear information that identifies the container lot or batch.

DECEPTIVE, FALSE OR MISLEADING STATEMENTS ARE UNLAWFUL

§ 13741. (a) It is unlawful for any person or other legal entity to make any deceptive, false, or misleading statement by any means whatever regarding quality, quantity, performance, price, discount, or saving in the sale or selling of any commodity regulated pursuant to this chapter.

(b) Any manufacturer or packager of any product subject to this chapter and sold in this state shall provide, upon request, to a duly authorized representative of the department documentation of any claim made on his or her product's label.

From NIST HB130 2019 edition

2.16. Products for Use in Lubricating Transmissions. – Transmission fluids shall meet the original equipment manufacturer’s requirements for those transmissions or have demonstrated performance claims to be suitable for use in those transmissions. Where a fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from the original equipment manufacturer, adherence to the original equipment manufacturer’s recommended requirements shall be assessed after testing per relevant methods available to the lubricants industry and the state regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or transmission rig testing. Any manufacturer of a transmission fluid making suitable-for-use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director’s office by the additive supplier(s).

(Added 2004) (Amended 2017)

2.16.1. Conformance. – Conformance of a fluid per Section 2.14. Products for Use in Lubricating Transmissions does not absolve the obligations of a fluid licensee with respect to the licensing original equipment manufacturer or the original equipment manufacturer’s licensing agent(s), where relevant.

(Added 2017)

2.16.2. Transmission Fluid Additives. – Any material offered for sale or sold as an additive to transmission fluids shall be compatible with the transmission fluid to which it is added and shall meet all performance claims as stated on the label or published on any website referenced by the label. Any manufacturer of any such product sold in this state shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.

(Added 2017)

3.14. Transmission Fluid.

3.14.1. Labeling and Identification of Transmission Fluid. – Transmission fluid shall be labeled or identified as described below.

(Added 2017)

3.14.1.1. Container Labeling. – The label on a container of transmission fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of transmission fluid shall be labeled with the following:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Transmission Fluid,” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;
- (d) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Amended 2017)

3.14.1.2. Identification on Documentation. – Transmission fluid sold in bulk shall be identified on the manufacturer, packer, seller or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:

- (a) the brand name;

- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Transmission Fluid” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;
- (d) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (e.g., website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards-setting organizations such as SAE and JASO and are acknowledged by reference; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Added 2017)

3.14.1.3. Identification on Service Provider Documentation. – Transmission fluid installed from a bulk tank at time of transmission service shall be identified on the customer invoice with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the service provider;
- (c) the words “Transmission Fluid” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;
- (d) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (e.g., website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards-setting organizations such as SAE and JASO and are acknowledged by reference; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

(Added 2017)

3.14.1.4. Bulk Delivery. – When the transmission fluid is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the fluid as defined in Section 3.14.2. Container Labeling.

(Added 2017)

3.14.1.5. Storage Tank Labeling. – Each storage tank of transmission fluid shall be labeled with the following:

(a) the brand name;

(b) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (e.g., website reference). Performance claims include but are not limited to those set by original equipment manufacturers and standards-setting organizations such as SAE and JASO and are acknowledged by reference.

(Added 2017)

3.14.1.6. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or distributor of any product subject to this article and sold in this state shall provide, upon request of duly authorized representatives of the Director, credible documentation of any claim made upon their product label, including claims made on any website referenced by said label. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director's office by the additive supplier(s).

(Added 2004) (Amended 2017)