

CHAPTER 172

STORAGE OF PETROLEUM

1882-2

This Act came into operation on 28th March, 1882.

Amended by:

<i>1942-1</i>	<i>1968-43</i>	<i>1978-24</i>
<i>1947-27</i>	<i>1969-12</i>	<i>1967/168</i>
<i>1948-28</i>	<i>1970-20</i>	<i>1979-29</i>
<i>1952-39</i>	<i>1974-28</i>	<i>1980-36</i>
<i>1963-18</i>	<i>1974-42</i>	<i>1982-18</i>
<i>1965-12</i>	<i>1977-39</i>	

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1987

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 172

**STORAGE OF PETROLEUM
1882-2**

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**BARBADOS****STORAGE OF PETROLEUM**

1882-2

An Act to consolidate and amend the law relating to the storage and importation of petroleum.

[Commencement: 28th March, 1882]

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the *Storage of Petroleum Act*.*

**[This Act was originally titled the Petroleum Act.]*

Interpretation

2. For the purposes of this Act, the expression

“authorised person” means a person authorised by the Minister to test petroleum under this Act;*

**[See section 28.]*

THE LAWS OF BARBADOS

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“petroleum” means kerosine oil, rock oil, Rangoon oil, Burmah oil and all products of any of them and any oil made from petroleum, coal, schist, shale, peat or other bituminous substance;

“volatile petroleum” means such petroleum as gives off an inflammable vapour at a temperature less than 83° F., to be ascertained in accordance with section 30.

PART II

STORAGE OF PETROLEUM

Warehouse

3. The existing petroleum warehouse or such other building as may at any time be substituted therefor by authority of Parliament shall be used for the storage of petroleum in the manner prescribed in this Act.

Warehouse vested in Crown and under control of Minister

4. The petroleum warehouse shall be vested in the Crown and shall be under the care and control of the Minister.

[1967/168]

Storage of excess petroleum

5.(1) Should there at any time be a greater quantity of petroleum in Barbados than can properly be stored in the petroleum warehouse, it shall be lawful for the Minister, upon such fact being brought to his notice by the Comptroller of Customs, to authorise such quantity of petroleum as cannot be properly stored in the petroleum warehouse to be stored in such places as the Minister considers best adapted for such purpose.

(2) All the regulations which may at any time apply to the storage of petroleum in the petroleum warehouse shall at the same time apply, so far as is possible, to petroleum stored in case of need in such places.

[1967/168]

Keeper to be officer of Customs

6. The keeper of the petroleum warehouse shall be to all intents and purposes an officer of Customs and shall be subject to all the powers, authorities and provisions, and shall have and enjoy all the privileges and immunities, of the officers of Customs.

Keeper's duties

7.(1) The keeper of the petroleum warehouse or, in his absence, such other officer of Customs as the Comptroller of Customs may from time to time appoint, shall take charge of the petroleum warehouse during office hours and shall receive and deliver petroleum and shall keep an account of all receipts and deliveries from the warehouse in a book to be provided and kept at the warehouse for that purpose and in such form as may be directed by the Comptroller of Customs.

(2) The said book shall be balanced and made up monthly and checked by the authorised officer of Customs.

Warehouse rent

8.(1) The charge for warehouse rent for petroleum in the petroleum warehouse shall be

- (a) for drums of more than 50 gallons, at the rate of 50 cents for each fifty gallons or part thereof payable at the time of deposit in, and fifty cents for each fifty gallons or part thereof payable at the time of withdrawal from, the warehouse;

- (b) for drums of fifty gallons or less, at the rate of fifty cents per drum payable at the time of deposit in, and fifty cents per drum payable at the time of withdrawal from, the warehouse;
 - (c) for cases of more than ten gallons, at the rate of four cents for each ten gallons or part thereof payable at the time of deposit in, and four cents for each ten gallons or part thereof payable at the time of withdrawal from, the warehouse;
 - (d) for cases of ten gallons or less, at the rate of four cents per case payable at the time of deposit in, and four cents per case payable at the time of withdrawal from, the warehouse.
- (2) The charges mentioned in subsection (1) shall cover a period of six months from the date of deposit in the warehouse and shall be paid to the Comptroller of Customs.
- (3) Where any petroleum remains in the warehouse for a period longer than six months from the date of deposit therein, there shall be payable to the Comptroller of Customs in respect thereof at the time of withdrawal from the warehouse a further charge of twenty-five cents per month or part of a month for every ten gallons or part thereof.

[1968-43]

Storage of petroleum

9.(1) Subject to this section, all petroleum imported into this Island on the landing of the same, unless for immediate exportation from quay or wharf on the day of landing, and all petroleum, the produce of this Island, brought into the City shall be stored in the petroleum warehouse or at a bulk storage installation approved by the Minister, under a penalty for any breach of this section of one hundred dollars, recoverable in a summary manner before a magistrate on the information of the Comptroller of Customs.

(2) It shall be lawful for any dealer in petroleum products of a flash point between 73°F. and 150°F. to keep in a place to be approved by the Petroleum

Inspector any quantity of such petroleum products not exceeding one thousand gallons, in metal containers installed not less than two feet underground or to keep in any shop, store or warehouse any quantity of such petroleum products not exceeding two hundred gallons in metal cases.

[1948-28]

(3) It shall be lawful for any dealer in petroleum products of a flash point between 150°F. and 240°F. to store in a place to be approved by the Petroleum Inspector any quantity of such petroleum products in metal cases which together with any other petroleum products stored therein does not exceed three hundred gallons.

(4) It shall be lawful for any dealer in petroleum products of a flash point over 240°F. to store in a place to be approved by the Petroleum Inspector any quantity of such petroleum products in metal cases.

(5) Petroleum oils of a flash point of less than 73°F. shall not be stored in any premises in Bridgetown, except the petroleum warehouse, in which any other petroleum products are stored.

Duties charged

10.(1) The duties on petroleum, when cleared from the warehouse for home consumption, shall be charged upon the quantity ascertained at the actual time of delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency has been caused by illegal or improper means, in which case the Comptroller of Customs shall make such allowances only for loss as he may consider fairly to have arisen from evaporation or leakage or other legitimate cause.

(2) No duty shall be charged in respect of any deficiency in petroleum entered and cleared from the warehouse, unless the Comptroller of Customs has reasonable grounds to suppose that such deficiency or any part thereof has arisen from illegal abstraction.

Stored petroleum to be given distinguishing mark

11.(1) Each lot of petroleum stored in the petroleum warehouse shall be stored separately and shall have a distinguishing mark and be so packed that an account may be taken of the same as often as may be deemed necessary or expedient.

(2) The owner of such petroleum or his agent shall have free access to the petroleum warehouse during office hours to examine and inspect the same and to take all necessary precautions for preventing leakage and waste.

Transfer of interests in stored petroleum

12. It shall be lawful for all persons having petroleum in the petroleum warehouse to transfer their right, title or interest therein to other persons, who shall have the same powers and liabilities in respect thereof as the original proprietors.

PART III

IMPORTATION OF PETROLEUM

Volatile petroleum not to be landed

13.(1) Subject to this Part, it shall not be lawful to land or to import into this Island, or to attempt to land or import into this Island, any volatile petroleum.

(2) Any person offending against this section shall be liable to a penalty of four hundred and eighty dollars, to be recovered on information before a magistrate and, in default of payment, to imprisonment for twelve months, one-half of such penalty payable to the informant.

(3) Any petroleum so landed or imported or attempted to be landed or imported shall be forfeited and shall be disposed of by the Comptroller of Customs either by sale for exportation or by destruction of the same.

Petroleum for importation to be tested

14.(1) The consignee of any petroleum on board any vessel arriving in Carlisle Bay laden or partly laden with petroleum for importation shall, within twenty-four hours (Sundays and holidays excepted) of such vessel's arrival, notify the Comptroller of Customs of the arrival of the petroleum and of his intention to import the same.

(2) The Comptroller of Customs shall thereupon cause not less than three samples to be taken of each brand or quality of such petroleum and shall transmit such samples to the authorised person in order that the same may be tested.

Certification of samples

15. Within twenty-four hours (Sundays and holidays excepted) of the receipt of such samples, the authorised person shall test the same and shall certify to the Comptroller of Customs in the form prescribed by the First Schedule that the samples so tested by him do or do not, as the case may be, consist of volatile petroleum.

Petroleum may be landed if not found volatile

16. Where the authorised person certifies that the samples do not consist of volatile petroleum, the Comptroller of Customs shall communicate a copy of such certificate to the owner of the petroleum from which the samples have been taken and shall permit such petroleum to be brought on shore at such place as may be provided for that purpose and landed there and stored in the petroleum warehouse in the presence of an officer of Customs duly authorised for that purpose.

Petroleum deemed volatile where samples consist of volatile petroleum

17. Where the authorised person certifies that the samples do consist of volatile petroleum, the Comptroller of Customs shall communicate a copy of such certificate to the owner of the petroleum from which such samples have been

taken, and such petroleum shall be considered to all intents and purposes to be volatile petroleum.

Comptroller may take samples from warehouse to be tested

18.(1) It shall be lawful for the Comptroller of Customs from time to time to cause samples to be taken of any petroleum stored in the petroleum warehouse which he may have reason to believe to be volatile petroleum, whether samples of such petroleum have been already tested or not, and to transmit such samples to the authorised person to be tested.

(2) Such authorised person shall thereupon test such samples and shall certify to the Comptroller of Customs in the form prescribed by the First Schedule that such samples do or do not, as the case may be, consist of volatile petroleum.

Volatile petroleum in warehouse to be forfeited

19.(1) Where the authorised person certifies that such samples do consist of volatile petroleum, the Comptroller of Customs shall communicate a copy of such certificate to the owner of the petroleum from which such samples have been taken and such petroleum shall be considered to all intents and purposes to be volatile petroleum and shall, subject to subsection (2), be liable to be forfeited and seized by the Comptroller of Customs and disposed of under this Act.

(2) Where sufficient evidence is produced to satisfy the Comptroller that such petroleum has been purchased or received on consignment by the party holding it in bond in ignorance of the fact that it was under the required test, he shall be permitted to export the same, provided he does so within 20 days from the date on which the same is tested, otherwise this subsection shall be void and of no effect.

Further testing where owner dissatisfied with test

20.(1) Where the owner of any petroleum certified to be volatile petroleum is dissatisfied with the test made by the authorised person, it shall be lawful for the owner within 12 hours of the receipt of the copy of the certificate from the

Comptroller of Customs to give notice to the Comptroller of Customs that he disputes the correctness of the test of the samples of such petroleum.

(2) The owner of the petroleum may thereupon nominate any two of the authorised persons to test petroleum to make another test of such samples.

Result of tests by persons nominated under section 20

21. Where the 2 authorised persons nominated under section 20 certify that such samples do not consist of volatile petroleum, the petroleum from which such samples have been taken, notwithstanding sections 17 and 19, shall not be considered to be volatile petroleum.

Where nominated persons certify to be volatile petroleum

22.(1) Where the 2 authorised persons nominated under section 20 certify that such samples do consist of volatile petroleum, the petroleum from which such samples have been taken shall be considered to all intents and purposes as volatile petroleum.

(2) In such a case, the fees of the testers, together with the fees of the authorised person who originally tested the same, shall be paid into the Consolidated Fund by the person demanding the fresh test and may be recovered from him on the complaint of the Accountant-General or any person authorised by him in writing in that behalf before a magistrate in a summary manner.

Licence to import volatile petroleum

23. Notwithstanding the foregoing sections of this Act, it shall be lawful for the Minister to licence any person to land or import into Barbados volatile petroleum or other inflammable liquid and to keep and sell the same.

Warehouse rent on volatile petroleum

24. Volatile petroleum or other inflammable liquid, whether imported or manufactured locally, shall be stored in such place as may be approved by the

Minister, and when stored in the petroleum warehouse shall be subject to the same charges for warehouse rent as are prescribed by section 8 for petroleum.

Regulations relating to issue of licences and landing of volatile petroleum

25.(1) The Minister is hereby authorised from time to time to make, alter and amend rules and regulations relating to the issue of licences and the landing, storing, keeping and selling of volatile petroleum or other inflammable liquid.

(2) Such rules and regulations after they have been sanctioned by Parliament shall have the force of law.

26. *[Repealed by 1980-36.]*

Vessel with petroleum requiring quick despatch

27.(1) Whenever a vessel arrives at Barbados laden or partly laden with petroleum for importation and requiring quick despatch, it shall be lawful for the Comptroller of Customs, notwithstanding this Part, to permit such petroleum to be landed and stored in the petroleum warehouse under the supervision of an officer of Customs appointed for such purpose, in a part of the petroleum warehouse to be set apart for the storage of petroleum landed under this section.

(2) All petroleum stored under this section shall be liable to warehouse rent and shall for the purposes of this Act be considered as if it were on board the vessel from which it was landed but shall within 24 hours (Sundays and holidays excepted) after being stored be dealt with accordingly under the provisions of this Act affecting the testing and importation of petroleum.

(3) All petroleum landed under this section if found to be under the required test may be exported under the authority of subsection (2) of section 19.

PART IV
PETROLEUM TESTING

Persons authorised to test petroleum

28. From time to time, as may be necessary, the Minister shall cause to be published in the *Official Gazette* a list of persons authorised to test petroleum and such persons shall on the publication of such list be persons authorised to test petroleum under this Act.

Fees

29.(1) Every authorised person shall be entitled to receive a fee for testing samples of petroleum, when called upon to do so, at the rate specified in the Second Schedule.

(2) Such fee shall be payable from the Consolidated Fund on the certificate of the Comptroller of Customs.

Testing of temperature of petroleum

30. The temperature at which petroleum gives off an inflammable vapour shall for the purposes of this Act be tested in the manner set forth in the Third Schedule.

PART V
MISCELLANEOUS

Rules and regulations

31.(1) It shall be lawful for the Minister, from time to time as may be necessary, to make, alter and amend rules and regulations for the government of the petroleum warehouse and for the regulation of the taking and keeping of samples of petroleum to be tested under this Act.

(2) Such rules and regulations shall be published in the *Official Gazette*, and shall thereupon have the force of law.

(3) Any person committing a breach of any of such rules and regulations, and any person required by or liable under any of such rules or regulations to perform or do any act or thing required to be done by him and not performing or doing such act or thing as so required, shall be liable to a penalty of twenty-four dollars, recoverable in a summary manner on the complaint of the Comptroller of Customs.

Petroleum not used for burning, exempt

32. Nothing in this Act shall be held to apply to petroleum not used for burning and imported and kept stored in close glass bottles not exceeding eight ounces.

FIRST SCHEDULE*(ss. 15 and 18)**Certificate of test of petroleum*

I hereby certify that I have tested the sample of petroleum marked
No. _____ forwarded to me to be tested at
on _____ 19 _____, and that such
sample* _____ consist of volatile petroleum within the meaning of
the Storage of Petroleum Act (Chapter 172 of the *Laws of Barbados*).

**[“ does ” or “ does not ”, as the case may be.]*

19

Signature.

SECOND SCHEDULE

(s. 29)

Fees payable by persons authorised to test petroleum

For testing each set of three samples—two dollars and forty cents.

THIRD SCHEDULE

(s. 30)

Mode of testing petroleum temperature

SPECIFICATION OF THE TEST APPARATUS

1. (a) The oil cup consists of a cylindrical vessel 2 inches diameter, $2 \frac{2}{10}$ inches height (internal), with outward projecting rim $\frac{5}{10}$ inch wide, $\frac{3}{8}$ inch from the top and $1 \frac{7}{8}$ inches from the bottom of the cup. It is made of gunmetal or brass (17 B.W.G.) tinned inside. A bracket consisting of a short stout piece of wire bent upwards and terminating in a point is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1 \frac{1}{2}$ inches. The cup is provided with a close-fitting overlapping cover made of brass (22 B.W.G.) which carries the thermometer and test lamp.
- (b) The test lamp is suspended from the side by means of trunnions upon which it may be made to oscillate; it is provided with a spout the mouth of which is $\frac{1}{16}$ inch in diameter.
- (c) The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted that the bulb of the thermometer when inserted to its full depth is $1 \frac{1}{2}$ inches below the centre of the lid.
- (d) The cover is provided with three square holes, one in the centre $\frac{5}{10}$ inch by $\frac{4}{10}$ inch, and two smaller ones $\frac{3}{10}$ inch by $\frac{2}{10}$ inch close to the sides, and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves and having perforations corresponding to those on the lid.
- (e) In moving the slide so as to uncover the holes the oscillating lamp is caught by a pin fixed in the slide and tilted in such a manner as to bring the end of the spout just below the surface of the lid. Upon the slide

being pushed back so as to cover the holes the lamp returns to its original position.

- (f) Upon the cover in front of and in line with the mouth of the lamp is fixed a white bead, the dimensions of which represent the size of the test flame to be used.
2. (a) The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of 3 inches diameter and 2 1/4 inches height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre which forms the top of the bath in such a manner as to enclose the space between the two cylinders but leaving access to the inner cylinder.
- (b) The top of the bath projects both outwards and inwards about 3/8 inch, that is, its diameter is about 6/8 inch greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner cup cylinder.
- (c) To the inner projection of the top is fastened, by means of six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and the oil cup is 1/2 inch.
- (d) A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted between the two cylinders.
- (e) The bath is further provided with a funnel and overplay pipe and two top handles.
3. The bath rests upon a cast iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top and of such dimensions that the bath whilst firmly resting on the iron ring just touches on its projecting top the inward turn flange. The diameter of this outward jacket is

6 1/2 inches, one of the three legs of the stand serves as support for the spirit or gas lamp attached to it by means of a small swing bracket. The distance of wickholder or gas-burner from the bottom of the bath is 1 inch.

4. The lamp, if a spirit lamp, is filled through the funnel.
5.
 - (a) Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point.
 - (b) The thermometer for ascertaining the temperature of the bath has a long bulb and a space at the top. Its range is from about 90° to 190°F. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way. It is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about 3 1/4 inches measured from the lower end of the scale to the end of the bulb.
 - (c) The thermometer for ascertaining the temperature of the oil is fitted with an ivory scale in a similar manner to the one described. It has a round bulb, a space at the top and ranges from about 55° to 150°F. It measures from end of ivory to back of bulb 2 1/4 inches.
 - (d) In both thermometers the capillary tube is widened at the top to prevent breakage through overheating. The line on the scale of the long bulb thermometer indicating 130°F. is rendered conspicuous by being drawn across the whole width of the ivory back. In a similar manner the line indicating 73°F. is specially marked on the second bulb thermometer.
6. The pendulum is two feet in length from the point of suspension to the centre of gravity of the weight.

DIRECTIONS FOR APPLYING THE FLASHING TEST

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.
2.
 - (a) The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out of the spout of the vessel.
 - (b) The temperature of the water at the commencement of the test is to be 130°F., and this is to be obtained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication, or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.
 - (c) If the water has been heated too highly it is easily reduced to 130°F. by pouring in cold water little by little (to replace a portion of the warm water), until the thermometer gives the proper reading.
 - (d) When a test has been completed this water bath is again raised to 130°F. by placing the lamp underneath, and the result is readily obtained whilst the petroleum cup is being emptied, cooled and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus and the next test is proceeded with.
3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle-wick and filling it with colza or rape oil up to the lower edge of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0.5 inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer. When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. (a) The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly. In pouring the oil to be tested great care should be taken not to splash it against the sides of the cup, until the level of the liquid just reaches the point of the gauge which is fixed in the cup.
 - (b) In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance and if it exceeds 66°F. the samples to be tested should be cooled down (to about 68°F.) by immersing the bottles containing them in cold water, or by any other convenient method.
 - (c) The lid of the cup with the slide closed is then put on and the cup is placed on the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position the scale of the thermometer faces the operator.
5. (a) The test lamp is then placed in position upon the lid of the cup. The lead line or pendulum which has been fixed in a convenient place in front of the operator is set in motion and the rise of the thermometer in the petroleum cup is watched.
 - (b) When the temperature has reached about 66°F. the operation of testing is to be commenced, the test flame being applied once for every rise of one degree in the following manner:

The slide is slowly drawn open whilst the pendulum performs three oscillations and is closed during the fourth oscillation.
 - (c) If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:

The air chamber which surrounds the cup is filled with cold water to the depth of 1 1/2 inches and the heating vessel or water bath is filled as usual but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°F. instead of with cold water.