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DEPARTMENT OF AGRICULTURE

BUREAU OF RIDE & MEASUREMENT STANDARDS

Date: March 4, 2013

To: Registered Sellers, Installers and Repairers of Weighing and Measuring Devices

From: Walter Remmert, Director
Bureau of Ride and Measurement Standards

Re: Compliance Guidance for Registered Sellers, Installers and Repairers of Large Capacity Scales

This document provides registered sellers, installers and repairers of weighing and measuring devices (“SIRs”) – *particularly those SIRs who sell, install or repair large capacity scales* - with important information regarding applicable statutory and regulatory requirements.

This compliance guidance document identifies incidents and issues that the Pennsylvania Department of Agriculture’s (“PDA’s”) weights and measures enforcement personnel have encountered in their enforcement activities in recent months, and provides SIRs who deal with large capacity scales information and insight on current areas of concern.

By way of background: PDA enforces the Consolidated Weights and Measures Act and its attendant regulations. The Consolidated Weights and Measures Act gives PDA the authority to establish a program requiring the registration of SIRs, using the following language:

Registration of sellers, installers and repairers of weighing and measuring devices The department shall have the authority to establish, by regulation, a program requiring the registration of persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighing and measuring devices. The program may prescribe minimum field standards to be maintained by those persons to adequately test and place weighing and measuring devices into commercial service. The program may also require that those persons give adequate notice to the responsible weights and measures jurisdiction of the installation of a commercial weighing and measuring device. (3 Pa.C.S.A. Section 4113)

PDA’s regulations governing registration of SIRs, field standards used by SIRs, and repair/installation notification requirements for SIRs are found at Title 70 Pennsylvania Code, Chapter 6, and can be viewed on-line at the following website address:

<http://www.pacode.com/secure/data/070/chapter6/chap6toc.html>.



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Be aware that if you are a SIR who deals with large capacity scales:

- **Although you must notify the Bureau of any repair or installation of a commercial weighing or measuring device within 48 hours of the installation or repair, where the device involved is a *large capacity scale* PDA encourages you to engage with it on proposed installation projects or major modification projects before the project gets underway.** (The 48-hour reporting requirement is described in the regulation at 70 Pa. Code Section 6.6.)

Guidance: It is to your benefit, and to the benefit of the scale owner, to *engage with PDA* on new installations and major modifications of large capacity scales *before commencing the installation or modification project*. PDA can work with you to help ensure that the new or modified scale meets applicable statutory and regulatory requirements.

- **There is some question as to whether NIST Handbook 44 (at UR.2.6.1.) requires that a vehicle scale have a separate entrance end *and* a separate exit end (as opposed to a single, common entrance/exit).**

Guidance: PDA strongly encourages separate entrances and exits. This facilitates accuracy verification testing. Also, PDA intends to pursue a revision of the regulations at 70 Pa. Code to clearly *require* these separate entrances and exits. Although such a requirement would not be retroactive, separate entrances and exits are a best practice in that they facilitate accuracy verification testing (and may facilitate the flow of traffic over the scale).

- **There is some question as to whether NIST Handbook 44's requirement (at UR.2.6.1.) that an approach adjacent to the platform of a vehicle scale be "constructed of concrete or similar durable material" is always met when that approach is surfaced with *macadam*.**

Guidance: In general, PDA considers *concrete* or *sturdy grating* as being sufficiently "durable material" to meet the requirement described above. *Macadam might* meet this requirement, but PDA's experience is that macadam deteriorates faster than concrete or sturdy grating. Consider this in installation, repair or replacement of platform approach surfaces.

- **The Consolidated Weights and Measures Act prohibits the commercial use of any weighing or measuring device that has not been type-approved by PDA or that does not have a certificate of conformance issued by the National Type Evaluation Program (NTEP).** (This is described in the Act, at 3 Pa. C.S.A. Section 4170 and in the regulation at 70 Pa. Code Chapter 10.)



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- **The Consolidated Weights and Measures Act requires that a scale’s indicators be positioned so that the readouts may be accurately read and the weighing or measuring operation observed “from some position which may be reasonably assumed by the customer.”** (This is described in the Act, at 3 Pa. C.S.A. Section 4142(a)(8)).

Guidance: With respect to large capacity scales, PDA acknowledges that scoreboard displays (displays that show scale readouts in large, lit numbers that are visible from a distance) are *not strictly required* under the law. In practice, PDA’s inspectors have found that these scoreboard displays generally provide customers a clearer, more convenient view of the scale’s indications. PDA encourages you to consider including a scoreboard display in new large capacity scale installations, and in major modifications of existing large capacity scales that currently lack scoreboard displays.

Going forward, be aware that within the next several years PDA plans to revise its weights and measures regulations.

If you have any questions regarding the standards and requirements a SIR is required to meet, please feel free to contact me at (717) 787-9089.