



pennsylvania

DEPARTMENT OF AGRICULTURE

BUREAU OF RIDE & MEASUREMENT STANDARDS

Date: February 26, 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 Weighing and Measuring Devices

This document provides registered sellers, installers and repairers of weighing and measuring devices (“SIRs”) with important information regarding applicable statutory and regulatory requirements.

This compliance guidance document is driven by the fact that the Pennsylvania Department of Agriculture’s (“PDA’s”) weights and measures enforcement personnel are encountering an increasing number of violations that suggest that some SIRs are either unaware of their responsibilities or are choosing to ignore them. *Please be advised that, going forward, PDA may exercise its authority to impose a civil penalty of up to \$10,000 against a SIR who violates the regulatory requirements described below or at the referenced website.* For this reason, it is important that you be familiar with these requirements and comply with them.

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>.

Be aware that if you are a SIR:



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- **You must register with PDA and must renew that registration every three years.** (This is described in the regulation at 70 Pa. Code Sections 6.2 and 6.7.)
- **You must have, maintain and use field standards that: (1) are adequate to test and place weighing and measuring devices into commercial use; and (2) meet the applicable requirements of NIST Handbook 44.** (This is described in the regulation at 70 Pa. Code Section 6.3(a).)
- **You must have a verification of accuracy for your field standards, and that verification: (1) must be issued by the State Metrology Laboratory; and (2) must have been issued no more than one year preceding your use of those field standards.** (This is described in the regulation at 70 Pa. Code Section 6.3(b).)

Guidance: In addition to triggering the imposition of a civil penalty, your failure to comply with this requirement may result in PDA issuing a stop use, stop-removal or removal order, prohibiting the commercial use of any commercial weight and measure the accuracy of which was determined using the deficient field standards.

- **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.** Although the initial notice may be made by telephone, written notice must be mailed, faxed or delivered to PDA within 48 hours of the installation or repair. (This is described in the regulation at 70 Pa. Code Section 6.6.)

Guidance: A map is attached, showing the particular PDA regional office, and office address, to which the notice should be directed in addition to notifying the Harrisburg office. A sample notification form is also attached. PDA prefers to receive these notifications by e-mail.

Going forward, be aware that within the next several years PDA plans to revise its standards for SIRs to require that a SIR successfully complete PDA-approved training with respect to each type of weighing or measuring device the SIR sells, installs or repairs. These new standards may require written testing and hands-on demonstrations of proficiency.

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.

Atts:

1. Regional Map
2. Reporting Form