



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

March 14, 2016

DMS NOTICE
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DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Letter to Weighmasters Designated as E-Waste Collectors and Recyclers Regarding Common Weighmaster Violations

The Division of Measurement Standards (DMS) has revised the enclosed letter to select weighmasters designated as electronic waste collectors and/or recyclers throughout California, notifying them of commonly observed weighmaster violations.

Information compiled by DMS staff based on visits to these locations and weighmaster audits performed in the past year identified a significant number of violations related to the use of predetermined individual and common tares. By identifying some common problems and bringing them to the weighmasters' attention, DMS seeks to effect a high level of voluntary compliance, and mitigate the number of future violations.

If you have any questions, please contact Katherine de Contreras, Supervising Special Investigator, Enforcement Branch at (916) 229-3047, or katherine.decontreras@cdfa.ca.gov.

Sincerely,

Kristin J. Macey
Director

Enclosure

cc: Gary Leslie, County/State Liaison, CDFA





March 14, 2016

To Whom It May Concern:

Subject: Common Weighmaster Violations at Electronic Waste Recycler and Collector Locations

The California Department of Resources Recycling and Recovery (CalRecycle) is responsible for overseeing businesses that are Approved Recyclers, Collectors, and Handlers for electronic waste (e-waste). CalRecycle requires all Approved Recyclers to be licensed as weighmasters and some e-waste collectors are also licensed as weighmasters. All businesses that are licensed as weighmasters must comply with the weighmaster requirements in the Business and Professions Code (BPC), Division 5, Chapter 7 (Weighmasters) and the California Code of Regulations (CCR), Title 4, Division 9, Chapter 9 (Weighmaster Enforcement).

The California Department of Food and Agriculture's Division of Measurement Standards (DMS) is responsible for licensing e-waste recyclers and collectors as weighmasters. County Sealers of Weights and Measures (County Sealers) register and inspect commercial scales at weighmaster sites, and assist DMS with weighmaster inspections at these locations to ensure compliance with the above-referenced laws and regulations.

DMS recently completed initial weighmaster inspections at all CalRecycle e-waste Approved Recycler locations and many of the CalRecycle e-waste Approved Collector locations where the business is licensed as a weighmaster. The initial inspection results revealed that many businesses are either not using predetermined individual tares and common tares correctly, or are miscalculating or misusing these types of tares.

The definition, procedure for establishment, and certificate requirements for predetermined individual tares and common tares are found in CCR, Title 4, Chapter 9, Article 3, Predetermined Individual Tare Weights and Article 5, Common Tare Weights. The full text of these regulations is on the DMS website at: www.cdffa.ca.gov/dms/publications.html.

Listed below are some common violations identified by DMS staff during initial inspections:

General

BPC §12721: Weighmaster is not weighing containers and/or pallets at the time and for the purpose of each certification, unless otherwise provided in law or regulation.

Predetermined Individual Tares

CCR §4421(a): Weighmaster is not issuing a "tare only" weighmaster certificate for the container or pallet when the predetermined individual tare is determined.

CCR §4421(c): Container or pallet is not clearly marked on both sides with the company name or code, identification number and tare weight.



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CCR §4422(a): The weighmaster certificate does not indicate the fact that a predetermined individual tare was used. This can be indicated by the letters "P.T."

CCR §4422(b): The weighmaster certificate does not indicate the predetermined individual tare weight, company name or code and container identification number of the pallet or container used.

Common Tares

CCR 4441(a): Containers or pallets are not under the control of one user.

CCR 4441(a): Containers or pallets are not within a uniform weight range.

CCR 4441(b): Containers or pallets are not being weighed individually or in sample subgroups to establish the common tare.

CCR 4441(d): The weighmaster establishing the common tare is not issuing a weighmaster certificate to document the weighing of containers or pallets.

CCR 4441(d): The weighmaster establishing the common tare is not submitting the required "Common Tare Notice" to DMS.

CCR 4442(a): The minimum number of containers or pallets is not being weighed to establish common tare.

CCR 4444(a): The weighmaster certificate does not indicate the fact that a common tare was used. This can be indicated by the letters "C.T."

CCR 4444(b): The weighmaster certificate does not indicate the common tare weight, company name or code and container identification number.

CCR 4445(a): The "Common Tare Notice" is not maintained at the weighing location.

If you recognize any of the above deficiencies in your business operations, you have an opportunity to address them before state or county inspectors take official enforcement action. Enclosed for your use is general information on predetermined individual tares and common tares. Questions regarding the proper establishment or use of predetermined individual tares and common tares may be directed to the DMS Weighmaster Officer of the Day by calling (916) 229-3000.

Contact your County Sealer if you have questions regarding the registration and verification of your scales. County offices of weights and measures phone numbers and addresses can be found online at:

www.cdfa.ca.gov/exec/county/countymap/.

Sincerely,



Clark Cooney, Chief
Enforcement Branch

Enclosures

cc: Susan Happersberger, Electronic Waste Recycling Program, CalRecycle