CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
DIVISION OF MEASUREMENT STANDARDS (DMS)
REGISTERED SERVICE AGENCY (RSA) ADVISORY COMMITTEE
ZOOM CONFERENCE MEETING
May 24, 2022
10:00 a.m. – 12:04 p.m.

MEETING MINUTES

Minutes are considered DRAFT until approved
by the RSA Advisory Committee

A. CALL TO ORDER
The Committee Chairperson, Steven Cook, called the meeting to order at 10:00 a.m. The meeting was held both in-person and remotely using Zoom.

B. ROLL CALL OF MEMBERS
Steven Cook took roll call. Membership attendance is reported below. Steven Cook established that there was a quorum of committee members.

Committee Members Present (In-person):
Steven Cook, RSA Advisory Committee Chairperson
Samuel Bayless, California Fuels and Convenience Alliance
Michelle Buran, Acme Scale Company – arrived late but participated remotely until arrival
Tom Pisani, Butte County Department of Agriculture/Weights and Measures
Lucian Stacy, Left Coast Scales, LLC
Branden Woolley, Napa County Department of Weights and Measures

Committee Members Present (Zoom):
Lynn Carmichael, Traboh Inc., DBA Hobart Sales and Service

CDFA-DMS:
Kristin Macey, CDFA-DMS Director
Clark Cooney, CDFA-DMS Branch Chief of Enforcement
Kevin Schnepp, CDFA-DMS Environmental Program Manager
Anthony Gruneisen, CDFA-DMS Principal State Metrologist
Samuel Ferris, CDFA-DMS Liaison to the RSA Advisory Committee

Presenters:
- Kevin Schnepp - Update of the new RSA database
- Kristin Macey - The certification intervals of RSA standards
- Steven Cook - Differences between NIST Handbook 44 and the California Code of Regulations

Other Participants:
No one volunteered to identify themself.

C. APPROVAL OF PRIOR MEETING MINUTES

Steven Cook asked committee members for comments or suggestions on the draft meeting minutes of the January 13, 2022 meeting. No comments were made. Steven Cook asked committee members for comments or suggestions on the draft meeting minutes of the April 14, 2022 meeting. No comments were made. Steven Cook called for a motion to approve both meeting minutes as written, seconded simultaneously by Lucian Stacy and Branden Woolley. Committee members voted unanimously to approve both meeting minutes as written.

Name	Vote	Comment
Sam Bayless	Yea	
Michelle Buran	Yea	
Lynn Carmichael	Yea	
Steven Cook	Yea	Motion
Tom Pisani	Yea	
Lucian Stacy	Yea	Second
Branden Woolley	Yea	Second

D. REPORTS AND INFORMATION (Informational)

1. Update of the RSA database – Kevin Schnepp (CDFA-DMS) presented the committee with the upcoming roll-out of a new database system for the CDFA-DMS RSA Program. The Technology Modernization Fund (TMF) was established by the Governor's Office through the California Department of Technology (CDT). TMF is a $25 million fund meant to award state agency recipients with money to upgrade their existing, outdated software technologies. In December 2021, CDFA-DMS participated in the program and was successful in receiving approximately $1 million to modernize its legacy RSA Program database with a new online self-service RSA Registration and Licensing Portal. An RSA user may login and change account information, print their RSA registration, update contacts including agents' contact information, add or delete agents, upload calibration reports and view payment activity. The first round of fully functional "beta testing" (roll-out) begins with those RSAs that have annual renewal dates between January through May 2022. The second phase will include the remainder of RSAs and will begin mid-October 2022.

   For more information contact the CDFA-DMS RSA Program by telephone at (916) 229-3000 or by email at RSA@CDFA.CA.GOV. The RSA Portal is: https://www.cdfa.ca.gov/dms/rsaportal/.

During the presentation, Lucian Stacy asked if the technology is based on Salesforce and whether an agent may be registered with multiple agencies. Kevin Schnepp answered yes to both questions. Kristin Macey asked Lucian Stacy how often an agent is associated with multiple agencies. Lucian Stacy said he knows of one entity that owns five agencies and their agents are associated with all five agencies.

2. Certification Intervals of RSA test standards – Kristin Macey (CDFA-DMS) presented information about the history and status of RSA test standard certification intervals. She explained that in California, standards shall be certified every two years and may be altered given sufficient statistical data of previous certifications, but not to exceed ten years. Forty-two states have some version of an RSA program, and of the 13 western states, only three do not have some version of an RSA program. Test standard calibration intervals of the 13 western states ranges from 1-5 years, with the majority of them being 1 or 2 years, depending on the type of test standard. RSA and Weights and Measures jurisdictions' test standard certification intervals are different because:
- County jurisdictions use their standards less often,
- RSAs may use other accredited laboratories to certify their standards,
- CDFA-DMS does not have sufficient statistical data to make an adjustment to the certification intervals of RSA standards, and
- the California State Metrology Laboratory is mandated to certify county test standards and assigns priority to certifying the counties test standards first.

Kristin Macey referred to the 2020 NIST State Laboratory Program Workload Survey that is located at https://www.nist.gov/system/files/ documents/2022/02/10/2020%20SLP%20Workload%20Survey.pdf to compare and contrast various State Metrology Laboratories prices for certifying test standards.

Tom Pisani commented about RSAs that operate in California only and that their standards have been tested every 2 years for more than 10 years now. He felt that the data does exist for those RSAs. Kristin Macey responded by saying that an RSA can shop around for a reasonable price of test standard certifications. CDFA-DMS will treat all RSAs equally and not treat RSAs that operate only in California differently than those that operate in California and other states. Lucian Stacy said he was creating his own accredited laboratory. His RSA company does business in other states so he has to get his test standards certified on an annual basis. He also said he would be willing to provide CDFA-DMS with necessary data of prior certifications. Kristin Macey and other committee members provided general comments about the wear and tear of test standards, unintentional use of expired test standards, submittal of valid certificates to CDFA-DMS during an inspection, and other test standard verification procedures made in-house by certain RSAs that conduct validations more often than every two years.

E. OLD BUSINESS (Discussion/Action by Committee)
1. Frequency of Meetings – Steven Cook mentioned that the committee could meet more frequently, e.g., every two months, but at this time it would require more frequent travel to a

physical location in order to conduct a meeting and establish a quorum of members attending in-person. Samuel Ferris updated the committee members that if they choose to meet more frequently, there would be more incurred costs on committee members to meet in-person at CDFA-DMS. Steven Cook asked if there were any updates on current bills that would change Bagley-Keene requirements. Samuel Ferris mentioned one important bill (Section 20, SB 189) and replied that there has been no progress. Lucian Stacy suggested a quarterly schedule. Kristin Macey commented that quarterly may not be sufficient. She recommended scheduling quarterly meetings and having more as needed to accomplish the goals of the committee. Several committee members verbally agreed. Steven Cook made a motion to vote on the agreed upon schedule. Kristin Macey called for a Point-of-Order claiming the California Code of Regulations allows for meetings to be scheduled and supports the Committee Chair to schedule meetings as needed.

2. Differences between NIST Handbook 44 and CCR – Steven Cook presented and explained the format of a worksheet (handout attached) to assist committee members with understanding which requirements in NIST Handbook 44 are different than California regulation. Steven Cook requested the committee to review each change and be prepared to make comment on each paragraph designation. Samuel Ferris requested to limit questions to clarification of the worksheet and not specific comments on the content of each item until subsequent meetings.

3. Reinstate in California regulation the requirements of NIST Handbook 44, Section 2.20., paragraph N.3. regarding minimum test weights and test loads (for scales other than rail scales) – Steven Cook opened this item for discussion. Tom Pisani asked if all of NIST Handbook 44 Scale Code paragraphs N.3. Minimum Test Weights and Test Loads. through N.3.2. Field Standard Weight Carts. needs to be fully adopted or only a portion of it, since it will require some counties to purchase additional test standards or possibly other resources like a heavy-duty vehicle to transport additional weight. He specifically mentioned Grain Inspection, Packers and Stockyards Administration (GIPSA) cattle scales. Lucian Stacy responded that GIPSA scales had stricter test requirements than NIST Handbook 44. Kristin Macey mentioned that all stakeholders would have an opportunity to submit formal comments to a future rulemaking action if CDFA-DMS chooses to modify the current regulation to adopt the most current of NIST Handbook 44 paragraphs N.3 through N.3.2. Clark Cooney introduced himself and recommended that the committee consider readopting the requirements of NIST Handbook 44, paragraph N.3. He explained that if a scale was not tested with minimum test weights as published in NIST Handbook 44 it was possible the scale was not appropriately tested and may be erroneously approved. He also claimed it promotes an unfair business advantage if one RSA purchased all the required test standards while another RSA did not. Lucian Stacy motioned to reinstate NIST Handbook 44 paragraphs N.3. through N.3.2. in California regulation. Branden Woolley seconded the motion. Committee members voted unanimously to approve this item.

Name	Vote	Comment
Sam Bayless	Yea	

Michelle Buran	Yea	
Lynn Carmichael	Yea	
Steven Cook	Yea	
Tom Pisani	Yea	
Lucian Stacy	Yea	Motion
Branden Woolley	Yea	Second

4. Reinstate in California Regulation the requirements of NIST Handbook 44, Section 2.20., paragraph UR.3.7. Minimum Load on a Vehicle Scale – Steven Cook introduced the requirements of this paragraph and opened this item for discussion. Clark Cooney recommended that maybe this item should not be modified because California has an amendment allows for a smaller minimum load than NIST Handbook 44 paragraph UR.3.7. Lucian Stacy compared the scale divisions of a high-capacity scale with a low-capacity one. While the division value stays the same, the actual weight of each division changes. Steven Cook clarified that California Code of Regulation (CCR) requires 20 scale divisions for Accuracy Class lll and lllL scales § 4002.2. Scales (2.20.)(b) Class III, Class III L and Unmarked Devices Used For Recycling. Clark Cooney requested to view the language of NIST Handbook 44, Section 2.20, UR.3.7. that requires 10 scale divisions for recycled materials and 50 scale divisions for other weighing. Clark Cooney clarified that requirements in this section apply to vehicle scales. Branden Woolley said he would visit a local recycler to see what scale divisions are being used at that location. Steven Cook asked if the committee would need to reach out to the California Environmental Protection Agency (CalEPA) requirements are versus NIST Handbook 44. Several committee members requested to postpone voting on this item until more research is done.

5. RSA Certification of Standards and Type and Quantity. Branden Woolley (Napa County Weights and Measures) began discussions of this topic regarding RSAs not having enough test standards. He feels that CDFA-DMS has resources to check what standards are owned by counties or RSA. Branden Woolley recommends that CDFA-DMS conduct a survey and/or create a form with questions that county officials would ask certain RSAs. The survey may include questions help officials cross-reference test standard identification numbers by collecting data in the survey and comparing it to data in the RSA database. Lucian Stacy said Arizona requires a proficiency test of RSA agents. He recommended county inspectors meet RSAs in the field to assess the standards of the RSA in the field. Lucian Stacy stated Cal Trans requirements do not align with NIST Handbook 44. Michelle Buran asked how many RSAs are licensed to test scales. Kristin Macey recommends that CDFA-DMS possibly develop multiple surveys: an RSA proficiency survey of some kind, and a state survey coordinated with each county. Then present survey results to this committee and to county regional meetings. Lucian Stacy recommended using these surveys as a way to educate RSAs. Branden Wooley also mentioned possibly making a video to supplement the surveys and to share with RSAs.

6. Grain Inspection, Packers & Stockyards Administration (GIPSA) Testing Requirements for Livestock Scales. Tom Pisani declared he already submitted comments about this issue (during the last meeting) and declined to provide additional comments.

7. Subcommittee. Mr. Cook and Mr. Ferris informed the committee of the complications with forming a subcommittee given that Bagley-Keene was back in full effect. It would require additional subcommittee meetings to be held in-person and made open to the public. Keeping a subcommittee would incur additional cost to CDFA-DMS and to each committee member. Samuel Ferris mentioned that the committee voted to form a subcommittee during the January 13, 2022 meeting but did not vote on who to include in it. With the various complications, Samuel Ferris recommend that the committee consider disbanding the subcommittee and for each member to be prepared to discuss the comparison of the requirements adopted in California regulation with requirements published in NIST Handbook 44. Lucian Stacy made a motion to not have a subcommittee and for the committee as a whole to discuss this topic during regular meetings. Branden Wolley seconded the motion. <u>Committee members voted unanimously to approve this item.</u>

Name	Vote	Comment
Sam Bayless	Yea	
Michelle Buran	Yea	
Lynn Carmichael	Yea	
Steven Cook	Yea	
Tom Pisani	Yea	
Lucian Stacy	Yea	Motion
Branden Woolley	Yea	Second

F. NEW BUSINESS
Steven Cook introduced items: (1) Remove NIST Handbook 44, Section 1.10. General Code, G-T Acceptance Tolerance from CCR Section 4001. Exceptions thus reinstating the NIST General Code paragraph G-T.1. subparagraphs (b), (c), and (d); and (2) Remove NIST Handbook 44, Section 1.10. General Code, UR.2.6.1. Vehicle Scales (Approaches) from CCR Section 4001, thus reinstating Handbook 44 Scales paragraph UR.2.6.1. Vehicle Scales (Approaches). Lucian Stacy asked if reinstating UR.2.6.1. would be "grandfathered" (nonretroative) in California. Steven Cook mentioned CDFA-DMS would need to address that through rulemaking action. Kristin Macey asked Lucian Stacy what requirements were in Arizona regarding UR.2.6.1. and agreed with a "grandfather" clause. Clark Cooney explained the reason for those requirements to be reinstated. Clark Cooney did not know why G-T was originally removed, and Steven Cook explained it was based on one instance that happened many years ago regarding a forklift hitting a scale shortly after it was returned into service after a placed in service report.

G. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Steven Cook opened this item for discussion. No comments were made.

H. NEXT MEETING AGENDA

Steven Cook recommended another meeting in approximately two months. Samuel Ferris recommended a meeting scheduled earlier so the committee can discuss and vote on each of the differing requirements in California regulation and NIST Handbook 44. Kristin Macey asked the committee if CDFA-DMS should reach out to other states to determine how they enforce the specified requirements that California does not. The committee received no other comments.

H. ADJOURNMENT

Steven Cook adjourned this meeting at 12:04 p.m.

Respectfully submitted:

_____

Committee Chair, Steven Cook
Retired - DMS
CDFA-DMS RSA Advisory Committee Chairman