

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
DIVISION OF MEASUREMENT STANDARDS (DMS)
REGISTERED SERVICE AGENCY (RSA) ADVISORY COMMITTEE
ZOOM CONFERENCE MEETING**

**August 2, 2022
10:00 a.m. – 12:30 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
Lucian Stacy, Left Coast Scales, LLC

Committee Members Present (Zoom):

Lynn Carmichael, Traboh Inc., DBA Hobart Sales and Service
Samuel Bayless, California Fuels and Convenience Alliance
Tom Pisani, Butte County Department of Agriculture/Weights and Measures
Branden Woolley, Napa County Department of Weights and Measures

Committee Members Absent:

Michelle Buran, Acme Scale Company

CDFA-DMS:

Clark Cooney, CDFA-DMS Branch Chief of Enforcement
Matt Douglas, CDFA-DMS Special Investigator CDFA – DMS

Other Participants:

David Aguayo, Deputy Agricultural Commissioner/Sealer San Luis Obispo County: Dept. of Ag and Weights and Measures

Presenters:

- Marc Grijalava, Portfolio & Project Management Section Manager, CDFA's Office of Information Services (OITS): Update of the new RSA database.

C. APPROVAL OF PRIOR MEETING MINUTES

RSA Advisory Committee Chair Steven Cook asked committee members for comments or suggestions on the draft meeting minutes of the May 24, 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 the May 24, 2022 meeting minutes as written.

| Name | Vote | Comment |
|-----------------|------|---------------|
| Sam Bayless | Yea | |
| Michelle Buran | | Not Available |
| Lynn Carmichael | Yea | |
| Steven Cook | Yea | |
| Tom Pisani | Yea | |
| Lucian Stacy | Yea | Motion |
| Branden Woolley | Yea | Second |

D. REPORTS AND INFORMATION (Informational)

1. Update of the RSA database - Marc Grijalva, Portfolio & Project Mgmt. Section Manager CDFA's Office of Information Technology Services (OITS). Marc Grijalva provided an update on the registered service agency portal this project.

OITS and Division of Measurement Standards (DMS) launched the minimum viable product on May 31, 2022. The project is mainly designed to give the agencies and agents access to the data. The State keeps the information and has the ability to provide updates, registration renewals, add agents and agencies, make payments online, and avoids the need to mail in checks.

There are three rollout plans for Phase 2 scheduled for release around August 25, 2022. The final rollout release will be around October 20, 2022, with full functionality in the system.

Lucien Stacy asked if it is currently only open to a select group of service agencies. Marc Grijalva responded that Lucien is correct and stated that by October 20, 2022, will have all agencies and all the agents enrolled in the new portal.

Mr. Branden Woolley applauded Marc and his staff. The new RSA database is something that has been needed for a long time. He added that as a county that relies on DMS staff to look up these agencies and agents on a regular basis, the new database will take pressure off of the limited staff at DMS and will allow inspectors or county sealers' offices to keep track of delinquent RSAs in a more timely manner.

Branden reiterated a suggestion that he raised during the last meeting that reasoning (justification) be visible in the RSA Portal to describe why a certain agency is delinquent or suspended. For example, Napa County was assisting a service agency to re-register. Napa County wanted to know why the RSA was suspended; was it a money issue or they did not have appropriate standards? Brandon believes this information would be helpful.

E. OLD BUSINESS (Discussion/Action by Committee)

1. Reinstatement [NIST Handbook 44, Section 2.20. Scales, UR.2.6.1.](#) (*Vehicle Scales.*) in California regulation by removing the exception in [CCR Section 4001. 2.20. Scales, UR.2.6.1.](#)
 - I. The Committee agreed that CCR Section 4001. 2.20. Scales UR.2.6.1. be repealed in Title 4, Division 9. Chapter 1. Article 1. National Uniformity, Exceptions and Additions § 4001. Exceptions UR.2.6.1. Vehicle Scales.
 - II. The Committee also agreed to add language be adopted through rulemaking to clarify that the *retroactivity* requirement for NIST Handbook 44 paragraph UR.2.6.1. Vehicle Scales does not apply to vehicle scales placed into service from January 1, 1976 to the date of the repeal of CCR § 4001 NIST Handbook 44, Section 2.20. Scales paragraph UR.2.6.1.

Lucien Stacy agrees that language should address scales installed after 1976 up to the reinstatement date of NIST Handbook 44 paragraph UR.2.6.1. Lucien called for a vote that was seconded by Tom Pisani. The proposal was to reinstate UR.2.6.1. Vehicle Scales with nonretroactive language for scales installed after 1976 to the effective reinstated language in UR.2.6.1. and repeal section 4001. 2.20. Scales UR.2.6.1.

Committee members voted unanimously to Reinstatement NIST Handbook 44, Section 2.20. Scales, UR.2.6.1. (*Vehicle Scales.*) and repeal CCR Section 4001. 2.20. Scales, UR.2.6.1.

| Name | Vote | Comment |
|-----------------|------|---------------|
| Sam Bayless | Yea | |
| Michelle Buran | | Not Available |
| Lynn Carmichael | Yea | |
| Steven Cook | Yea | |
| Tom Pisani | Yea | Second |
| Lucian Stacy | Yea | Motion |
| Branden Woolley | Yea | |

2. Reinstatement [NIST Handbook 44, Section 2.20. Scales, UR.3.7.](#) in California regulation by removing the exception in [CCR Section 4001. 2.20. Scales, UR.3.7.](#) (*Minimum Load on a Vehicle Scale.*) and repealed the additional requirements in [CCR Section 4002.2. Scales \(2.20\) \(a-b\).](#)

Lucien Stacey commented that the exception is more stringent than NIST Handbook 44 and suggested that Old Business Item (2) be retained in the California Code of Regulations (CCR). Lucian also stated that CalRecycle requires scales to weigh 0.1 lb.

Matt Douglas addressed NIST Handbook 44 Scales code paragraph UR.3.7. Minimum Load on a Vehicle Scale, which has not been adopted in the CCR, and the minimum loads for different commodities. CCR section: 4002.2

(a) (Vehicle Scales) Except for weighments of ferrous metals, cardboard, paper, rags or plastic, and the weighing of vehicles for registration purposes, a vehicle scale shall not be used for weighing net loads less than the value of 20 scale divisions; and

(b) Class III, Class III L and Unmarked Devices Used For Recycling. Except for weighments of ferrous metals, cardboard, paper, rags, or plastic, Class III, Class III L and unmarked devices used in recycling shall not be used for weighing net loads less than the value of 20 scale divisions.¹

Lucien addressed CalRecycle and the requirements for CalRecycle Minimum Loads (counting beyond a prescribed or weighing containers). DMS has two contracts with CalRecycle.

Tom Pisani stated he is confused since the CCR language is applicable to 20 scale divisions for ferrous metals, cardboard, paper, rags, or plastic, whereas NIST Handbook 44 paragraph UR.3.7. Minimum Load on a Vehicle Scale. shall not be used to weigh net loads smaller than 10 scale divisions for weighing scrap metal for recycling or weighing refuse at landfills and transfer stations and 50 d for all other weighing. As used in this paragraph, scrap materials for recycling shall be limited to ferrous metals², paper (including cardboard), textiles, plastic, and glass.”

Matt Douglas agreed that the listed materials is different between NIST Handbook 44 UR.3.7. and CCR sections 4002.2 (b).

Committee members voted to Retain CCR language in 4002.2. (a) and (b).

| Name | Vote | Comment |
|-----------------|------|---------------|
| Sam Bayless | Yea | |
| Michelle Buran | | Not Available |
| Lynn Carmichael | Yea | |
| Steven Cook | Yea | |
| Tom Pisani | Yea | |
| Lucian Stacy | Yea | Motion |
| Branden Woolley | Yea | Second |

F. NEW BUSINESS

1. Announcement of new Committee members . Four Committee members are reaching their term limits on September 30, 2022. The RSA Committee members have the right to reapply for new terms. Additionally, others from the public can apply or reapply.

¹ CCR section 4002.2 (b) includes other types of scales including platform, hanging, crane, etc.

2. Bagley Keene. The Chairman reported that the RSA Advisory Committee was notified that an important Bagley-Keene amendment was enacted with the budget trailer bill, restoring the meeting process that was permitted under the Governor's COVID-19 executive order regarding public meetings. [Section 20, SB 189](#), effective June 30, 2022, added Government Code section 11133, which permits state boards and commissions to again hold meetings with all members participating via teleconference until July 1, 2023. Essentially, the Committee no longer requires in-person attendance. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting (6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828).

3. Consider co-chair position. Pursuant to [CCR § 4088\(c\)](#) select a chairman and other officers. The duties of a co-chair include taking notes into the meeting minutes template, preside the meeting in the absence of the chair, assist the chairman in reviewing the draft meeting minutes.

The Chairman stated that he will be discuss the subject of a liaison for future meeting. Lucien Stacy suggested that the discussion of establishing a co-chair be deferred since four Committee members will reach their term limits on September 30, 2022. Tom Pisani asked if another DMS staff will take over the liaison position. Clark Cooney stated that the liaison is on hold for the time being. This item is deferred to the next meeting to discuss a potential co-chair.

4. Reinstate [NIST Handbook 44, General Code Section 1.10., G-S.1.2. \(Remanufactured Devices\)](#) in California regulation by removing the exception in [California Code of Regulations \(CCR\) Title 4, Section 4001](#).

Tom Pisani asked why this section was not adopted by California and what the history was. Steve Cook explained that this NIST Handbook 44 code was based upon primarily motor fuel dispenser remanufacturers who removed the original manufacturer's parts and replaced them with parts from a different manufacturer.

Steve and Clark Cooney discussed deliberations at the National Conference on Weights and Measures (NCWM) regarding marking requirements on weighing and measuring devices from 1997 to 2003 that resulted in the marking requirements for remanufactured devices and elements.

Lucien Stacy asked how this would affect replacing parts in a scale. He gave the example of a scale in which he removed the original manufacturer's load cells, J-box, and indicator, and installed replaced all these components with ones from a different manufacturer, but equivalent. Thus, essentially reusing only the scale deck. Steve responded that there are provisions to allow loads cells of the same dimension, v-min which can be smaller, and an indicator. Lucien asked what the definition is of remanufactured. Branden Woolley read out-loud the NIST Handbook 44 definition. NCWM Publication 14, Administrative Policy, 16. *Policy on Remanufactured and Repaired Devices* in essence states that the remanufacturer must repair or rebuild a device consistent with the manufacturer's original design.

Branden discussed scale decks that have been modified with forklift channels that have been added onto the scale and not listed on the NTEP Certificate of Conformance or the CTEP Certificate of Approval. However, the scale(s) need to comply with the original type evaluation.

CDFA-DMS did not adopt NIST Handbook 44 General Code 1.10. G-S.1.2. Devices and Main Elements Remanufactured as of January 1, 2002. Thus, the weighing or measuring device must be traceable with the NTEP Certificate of Conformance or CTEP Certificate of Approval.

Clark described devices that go through type evaluation. Clark added that the installation may be the problem or that in scale supports are inadequate. Steve will provide some language from NCWM Publication 14 © and provide an overview of NCWM Publication 14 © "Replacement Parts," "Substitution of Load Cells," and "Modification of the Type". Steve stated this topic will be deferred to the next meeting of the Committee.

5. Reinstate [NIST Handbook 44, Section 1.10., G-T.1.](#) (Acceptance Tolerances.) in California regulation by removing the exceptions in [CCR Section 4001. G-T.1. \(b-d\)](#), and whether the additional requirement in [CCR Section 4002.1. General Code \(1.10.\) \(a\) Type Approval Use.](#) be repealed.

Lucian Stacey supports this item to make the RSA community to be better. A scale shall be able to maintain acceptance tolerances for 30 days. Steven Cook commented that the language in G-T.1. (b), (c), and (d) was removed from NIST Handbook 44 in the 1990's. Lucian stated his concerns about applying acceptance tolerances with the "rolling standard" on to the scale deck since the weight of "rolling standards" cannot maintain stable weight due to fuel level, radiators, mud, etc. Tom Pisani has concerns with older devices that may not be able to comply with "Acceptance Tolerances".

Brandon Woolley does not agree. Older mechanical scales can easily maintain tolerances for several years. Additionally, California differs from NIST Handbook 44 paragraph G-T.1. in sub-paragraphs are (b), (c) and (d). Brandon Woolley also has concerns with G-T.1. (c) and would like to amend G-T.1.(c) to include other types of "corrective services" such as RSA corrective services. Matt Douglas agrees with Branden and gives counties structure needed with the 30-days. Lucien added that service agents are supposed to calibrate as close to zero error (NIST Handbook 44, G-UR.4.3. Use of Adjustments). There are also problems when weights and measures officials are not able to return to the device location within 30-days after being placed in service. Several committee members believe that a scale that can't maintain acceptance tolerances should be taken out of service and replaced with a scale that can comply with acceptance tolerances for 30 days.

Clark Cooney discussed NIST Handbook 44 Appendix A - Fundamental Considerations Section 2 Tolerances for Commercial Equipment (HB 44 Page A-4). Acceptance tolerances are applied to new or newly reconditioned equipment; equipment returned to service following official rejection for failure to conform to performance requirements.

Committee members voted to Reinstate NIST Handbook 44, Section 1.10., G-T.1. (Acceptance Tolerances.) subparagraphs (b-d) and Repeal CCR Section 4002.1. G-T.1. Acceptance Tolerances (b-d).

| Name | Vote | Comment |
|-----------------|------|---------------|
| Sam Bayless | | Not Available |
| Michelle Buran | | Not Available |
| Lynn Carmichael | Yea | |
| Steven Cook | Yea | |
| Tom Pisani | No | |
| Lucian Stacy | Yea | Second |
| Branden Woolley | Yea | Motion |

6. Reinstate NIST Handbook 44, Section 2.20., S.1.8.4. (Customer's Indications.) in California regulation by removing the exception in [CCR Section 4001. 2.20. Scales, S.1.8.4.](#), and whether the additional requirement in [CCR Section 4002.2. Scales \(2.20\) \(d\)](#) be repealed.

The Committee discussed the following differences between the CCR language and NIST Handbook 44.

- [CCR Section 4002 \(d\) Customer Indication](#) does not include metric scales that indicate in price per 100 grams. (Prices by one-quarter pound are not allowed.)
- The last sentence in the CCR Sections 4002 (d) is identified as *(Nonretroactive May 9, 1996) as follows:*
“Unit price displays visible to the customer shall be in terms of whole units of weight, and not in common or decimal fractions. (Nonretroactive May 9, 1996)”
- [NIST Handbook 44 Scales paragraph S.1.8.4.:](#) Unit price displays visible to the customer shall be in terms of single whole units of weight and not in common or decimal fractions of the unit. Scales indicating in metric units may indicate price per 100 g. (Amended 1985 and 1995)

Clark Cooney indicated that there would be no need to change the retroactive/non-retroactive dates in this portion of CCR if the Committee adopts NIST Handbook 44 paragraph S.1.8.4. in its place. Lucien Stacey agrees to harmonize to protect companies that have older equipment 1996. Tom Pisani believes that reinstating NIST Handbook 44 Scales Code paragraph S.1.8.4. Customer's Indications. would have a minimal effect. Lynn Carmichael added that the scale needs to indicate on the customer side of the computing scale.

Committee members voted to Reinstate NIST Handbook 44, Section 2.20. paragraph S.1.8.4. Customer Indications. and Repeal CCR Section 4002.2. 2.20. Scales paragraph S.1.8.4. Customer's Indications.

| Name | Vote | Comment |
|-----------------|------|---------------|
| Sam Bayless | | Not Available |
| Michelle Buran | | Not Available |
| Lynn Carmichael | Yea | |
| Steven Cook | Yea | |
| Tom Pisani | Yea | |

| | | |
|-----------------|-----|--------|
| Lucian Stacy | Yea | Motion |
| Branden Woolley | Yea | Second |

7. Repeal in [CCR Section 4002.2. Scales \(2.20\) \(c\)](#) **Livestock Scales Not Equipped With Balance Indicator**. The Sensitivity Requirement for livestock scales not equipped with a balance indicator shall be 10 pounds, notwithstanding the requirements of NIST Handbook 44, Section 2.20. Scales, T.2.7.2. as an additional requirement to in California regulation. Steve Cook suggested that this be held over to the next meeting since there is an issue with the Item.

G. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Steven Cook opened this item for discussion. No comments were made.

H. NEXT MEETING AGENDA - Late September 2022

I. ADJOURNMENT Steven Cook adjourned this meeting at 12:45 p.m.

Respectfully submitted:

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

