

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
DIVISION OF MEASUREMENT STANDARDS (DMS)
REGISTERED SERVICE AGENCY (RSA) ADVISORY COMMITTEE
CONFERENCE MEETING
May 11, 2023
9:00 a.m. – 12:00 p.m.**

MEETING MINUTES

**Minutes are considered DRAFT until approved
by the RSA Advisory Committee**

A. CALL TO ORDER

Lucian Stacy, Committee Chair, called the meeting to order at 9:02 a.m. The meeting was held both in-person and remotely using Zoom.

B. ROLL CALL OF MEMBERS

Lucian Stacy took roll call. Membership attendance is reported below. Lucian Stacy established that there was a quorum of committee members.

Committee Members Present (In-person):

Lucian Stacy, Committee Chair

Committee Members Present (Zoom):

Lynn Carmichael
Steven Cook
Breanne Matsuura
Joseph Lundeen

Committee Members Absent:

Chris Gate
One position vacant (RSA Customer)

CDFA-DMS:

Clark Cooney
Kristin Macey
Kevin Schnepf

Other Participants:

Mark Johnson, Orange County

Presenters:

Kristin Macey, CDFA-DMS

C. APPROVAL OF PRIOR MEETING MINUTES

Lucian Stacy asked committee members if there were comments or edits to the draft minutes of the March 2, 2023 meeting. Lucian made the motion to approve the edited meeting minutes, seconded Lynn Carmichael.

Committee members voted unanimously to approve the March 2, 2023 meeting Minutes, as edited.

| Name | Vote | Comment |
|------------------|------|---------|
| Lynn Carmichael | Yea | Motion |
| Steven Cook | Yea | |
| Joseph Lundeen | Yea | |
| Breanne Matsuura | Yea | Second |
| Lucian Stacy | Yea | |

D. REPORTS AND INFORMATION (Informational)

DMS Update. Kristin Macey gave an update on the following items:

- 1. Committee-Approved Action Items.** Since the Committee began its meetings in 2021, there have been six changes recommended by the Committee to the CDFA-DMS, to either remove exceptions and additions to the California Code of Regulations, and/or to reinstate paragraphs in NIST Handbook 44:

May 24, 2022 Meeting

- Reinstated [NIST Handbook 44 Section 2.20. Scales](#), paragraphs N.3. Minimum Test Weights and Test Loads. through N.3.2. Field Standard Weight Carts.

August 2, 2022 Meeting

- Reinstated [NIST Handbook 44, Section 2.20. Scales](#), paragraph UR.2.6.1. Vehicle Scales (Approaches). and repeal the exception in [CCR Section 4001. 2.20. Scales, UR.2.6.1.](#)
- Reinstated [NIST Handbook 44, Section 2.20. Scales](#), UR.3.7. (Minimum Load on a Vehicle Scale), repeal the exception in [CCR Section 4001. 2.20. Scales, UR.3.7.](#) Minimum Load on a Vehicle Scale., and repeal the additional requirements in [CCR Section 4002.2. Scales \(2.20\) \(a-b\).](#)
- Reinstated [NIST Handbook 44, Section 1.10. General](#), G-T.1. Acceptance Tolerances. subparagraphs (b-d) and repeal the exceptions in [CCR Section 4001. G-T.1. Acceptance Tolerances \(b-d\).](#)
- Reinstated [NIST Handbook 44, Section 2.20. Scales](#), paragraph S.1.8.4. Customer Indications. and repeal the additional requirements in [CCR Section 4002.2. Scales \(2.20\) S.1.8.4. Customer's Indications.](#)

March 2, 2023 Meeting

- Reinstatement of NIST Handbook 44, Section 1.10. General, paragraph G-S.1.2. Remanufactured Devices. and repeal the exceptions in [California Code of Regulations \(CCR\) Title 4, Section 4001. G-S.1.2. Remanufactured Devices and Remanufactured Main Elements. and Appendix D. Definitions for Remanufactured Device, Repaired Device, Remanufactured Element, and Repaired Element.](#)
2. **Pre-Rulemaking Survey.** CDFA-DMS must estimate the economic monetary impacts of a proposed regulation on businesses. It must also determine whether a proposed regulation affects small businesses. As of May 11, 2023, forty-two (42) out of approximately 500 service agencies registered in California had responded to the DMS survey. Kristin shared some of the questions and results, e.g., who pays to take the Service Agent examination (company vs. individual): the majority of respondents said the company pays; how many RSAs work in other states besides California: results are mixed but there were many companies who report working in other states; and small business questions (is your company independently owned/operated; is your company dominant in its field of operation; does your company's annual gross receipts exceed \$2 million?): results are mixed on these answers.
 3. **Bagley-Keene Act: Senate Bill (SB) 544.** SB 544 is current legislation that would extend some of the relaxed provisions to the Bagley-Keene Act that Governor Newsom ordered during the COVID-19 pandemic. Executive Order N-25-20 provided flexibility so state boards and commissions could meet remotely and safely. SB 544 would allow for the continuation of virtual meetings. It would not require listing of private addresses of remote members, nor would it require public access to private locations. Unless SB 544 is signed into law before July 1, 2023, the pre-pandemic Bagley-Keene Act requirements will go back into effect. For this reason, Kristin recommended that the Committee schedule its next meeting before July 1, 2023.

At the March 2, 2023 RSA Advisory Committee meeting, members voted unanimously to begin a review of the current service agent examination and alternatives. The Bagley-Keene Act allows the Committee to assemble a group of three persons or less to conduct research or gather information of interest to the Committee – without triggering Bagley-Keene requirements of 10-day prior public notice and public accessibility. Lucian Stacy appointed himself, Lynn Carmichael, and Joseph Lundeen to form a working group to study the different models for service agent testing in the United States. Kristin will serve as meeting facilitator/coordinator so she can gather information from other state jurisdictions for the working group.

4. **Committee Vacancy: RSA Customer.** Kristin reminded the Committee that this member position remains unfilled. CDFA-DMS will issue a new press release announcing this vacancy, and current members are encouraged to share this information with qualified individuals.

E. OLD BUSINESS (Discussion/Action by Committee)

1. Reinstate NIST Handbook 44 (HB 44) 3.30 Liquid-Measuring Devices paragraph N.4.1.1. Wholesale Devices in the CCR by repealing the additional requirement in CCR Section 4002.8 (a) Wholesale Device Equipped With Automatic Temperature Compensating Systems.

Discussion: Lucian Stacy noted that the CCR and HB 44 look nearly identical now, but HB 44 includes Celsius as well as Fahrenheit temperatures. The committee did not believe there was a reason not to reinstate HB 44.

Vote: Committee members voted unanimously to reinstate HB 44 and repeal the exception and addition in the CCR.

| Name | Vote | Comment |
|------------------|------|---------|
| Lynn Carmichael | Yea | Motion |
| Steven Cook | Yea | |
| Joseph Lundeen | Yea | Second |
| Breanne Matsuura | Yea | |
| Lucian Stacy | Yea | |

2. Reinstate NIST Handbook 44 3.31 Vehicle-Tank Meters paragraph UR.2.2. Ticket Printer, Customer Ticket in the CCR by repealing the additional requirement in CCR Section 4002.3 Vehicle-Tank Meters. (3.31.). UR.2.2. Ticket Printer; Customer Ticket.

CCR § 4002.3 Vehicle-Tank Meters (3.31.) UR.2.2. Ticket Printer has identical language as NIST Handbook 44 3.31. Vehicle-Tank Meters, UR.2.2. Ticket Printer, Customer Ticket except that this portion of CCR adopts a nonretroactive date of January 1, 1995 (underlining and italics added for emphasis).

Discussion: Joseph Lundeen stated that after doing an accuracy test, county inspectors will check to see that the ticket printer is working. One difference between HB 44 and the CCR is that the CCR has a nonretroactive date of 1995. Lucian Stacy asked how many thirty-year old VTMs are still operational and in use today. Lynn Carmichael said that he is familiar with these devices. Oftentimes the device operators don't keep paper in the printer and he has to go into the office to get a printed ticket. Steve Cook noted that the CCR change was added one year after HB 44 was changed, and that the CCR amendment made the requirement non-retroactive. Lucian asked how many VTMs older than January 1, 1995 are still operational. Should the Committee consider leaving it the way it is because there are probably a very small number of devices that will be affected by the non-retroactive requirement, and nearly all the equipment in use today have printers.

Vote: In a vote of four to one, the Committee voted to not reinstate HB 44 3.31 Vehicle-Tank Meters paragraph UR.2.2. Ticket Printer, Customer Ticket, and to retain the additional requirement in place CCR Section 4002.3 Vehicle-Tank Meters. (3.31.). UR.2.2. Ticket Printer; Customer Ticket.

| Name | Vote | Comment |
|------------------|------|---------|
| Lynn Carmichael | Yea | Second |
| Steven Cook | No | |
| Joseph Lundeen | Yea | |
| Breanne Matsuura | Yea | |
| Lucian Stacy | Yea | Motion |

3. Reinstatement NIST Handbook 44. 3.32. (LPG and Anhydrous Ammonia Liquid-Measuring Devices) paragraphs pertaining to Automatic Temperature Compensation in the CCR.

- i. Reinstatement NIST Handbook 44 3.32. (LPG) paragraph S.2.8. Automatic Temperature Compensation.
- ii. Reinstatement NIST Handbook 44. 3.32. (LPG) to restore NIST Handbook 44 paragraphs S.3.1. Diversion of Measures Liquids, and S.3.2. Design of Discharge Lines and Discharge Line Valves.
- iii. Reinstatement NIST Handbook 44. 3.32. (LPG) to restore NIST Handbook 44 paragraphs pertaining Automatic Temperature Compensation (ATC) Specifications, including deactivation of ATC and vapor return lines.

Repeal the exceptions in § 4001. Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices.

S.2.6. Automatic Temperature Compensation.

N.4.1.1. Automatic Temperature Compensation.

Repeal the additional requirements in § 4002.4. Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices. (3.32.)

(Note: S.2.6. is now Automatic Timeout. S.2.8. is Automatic Temperature Compensation, formerly CCR § 4001. Exceptions S.2.6.)

There are differences between HB 44 and CCR § 4002.4's S.2.8.

NIST Handbook 3.32. LPG and Anhydrous Ammonia Liquid-Measuring Devices, S.2.8. Automatic Temperature Compensation (ATC) specifies that LPG meters may be equipped with ATC and if they are, then they are required to have provision to deactivate the meter's ATC and provision for sealing the ATC.

CCR § 4002.4 3.32. LPG and Anhydrous Ammonia Liquid-Measuring Devices, S.2.8. ATC did not adopt the language in this section of HB 44 and in its place, adopted language that specifies LPG meters with a manufacturer's rated capacity exceeding 20 gallons per minute must be equipped with ATC.

There are differences between HB 44 and CCR § 4002.4's LPG and Anhydrous Ammonia Liquid-Measuring Devices N.4.1.1.

HB 44 3.32 N.4.1.1. Automatic Temperature Compensation (ATC) specifies that on LPG meters equipped with ATC, normal tests shall be conducted with the ATC activated and with the ATC deactivated (underlining added for emphasis). The first test is to be performed with the ATC activated and in “as found” condition. On devices that can indicate or record both compensated and uncompensated volume for each delivery, the two tests can be performed as a single test. This specification applies to retail and wholesale applications.

CCR § 4002.4, 3.32. N.4.1.1. ATC did not adopt the language in this section of HB 44 and in its place, adopted language that specifies that this portion of code only applies to wholesale applications (e.g., LPG bulk delivery trucks) and that normal tests shall be conducted with the ATC activated and may be conducted with the ATC deactivated (underlining and italics added for emphasis).

Discussion: The discussion combined differences between HB 44 and CCR regarding ATC [CCR § 4002.4. 3.32, S.2.8. and CCR § 4002.4. 3.32. (a)], Diversion of Measured Liquid [S.3.1. CCR § 4002.4. 3.32. (b)], Vapor-Return Line [CCR § 4002.4. 3.32. (d)] and LPG price advertising signs [CCR § 4002.4. 3.32.(e)]

Lucian Stacy read out-loud these NIST H-44 and CCR versions of these codes.

Clark Cooney was asked to comment on the vapor return line regulation to describe what it is and what the purpose is. Clark explained that due to LPG’s large thermo-coefficient of expansion, NIST H-44 allows vapor return lines only under two very specific conditions; (a) when the receiving tank cannot be filled under normal deliveries and (b) when filling a top spray-fill receiving container and the temperature is high (above 90⁰ F) (underling and italics added for emphasis).

Lucian asked Breanne Matsuura if she had any comments. She stated that she needs to consult with one of her staff who are more familiar with LPG measurement systems. Lucian asked Joseph Lundeen if he had any comments. He stated that he has experience LPG inspections from working in multiple counties and he is not aware of any problems unless it was from meters that had CTEP COAs from prior to 1950 and the LPG metering systems in Sab Bernardino County are compliant with NTEP standards. Lucian commented that he cannot imagine any manufacturer’s product not being compliant with NIST H-44 because their market is nation-wide as opposed to being in California or regional. Kristin Macey commented that any CTEP COAs from decades ago would certainly be inactive since she cannot imagine anyone actually manufacturing their devices to that standard anymore.

Note: All states adopt NIST Handbook 44, 3.32. LPG and Anhydrous Ammonia Liquid-Measuring Devices model regulation. Currently, there are 4,500 LPG meters registered in California.

Lucian asked for a motion. Lynn stated he thinks that this should be accepted and move the state to more current model regulations. Lucian asked for a second to the motion. Steve Cook seconded the motion. Lucian called for a vote.

Vote: The Committee voted unanimously to reinstate HB 44. 3.32. (LPG) paragraphs pertaining to Automatic Temperature Compensation in the CCR; to repeal the exceptions in § 4001. Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices; and to repeal the additional requirements in § 4002.4. Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices. (3.32.)

| Name | Vote | Comment |
|------------------|------|---------|
| Lynn Carmichael | Yea | Motion |
| Steven Cook | Yea | Second |
| Joseph Lundeen | Yea | |
| Breanne Matsuura | Yea | |
| Lucian Stacy | Yea | |

Note: During the discussion on this agenda item, the Committee did not discuss (e) Signs. Therefore, when they voted, the vote did not address that requirement in § 4002.4. Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices. (3.32.). § 4002.4. (e) Signs will be added as an agenda item for discussion and vote at the June 14, 2023 meeting.

4. Reinstate NIST Handbook 44 Section 3.33. Hydrocarbon Gas Vapor-Measuring Devices paragraph S.4.3. Temperature Compensation in the CCR and repeal the additional requirements in § 4002.5. Hydrocarbon Gas Vapor-Measuring Devices. (3.33.).

- (a) Leak Test. Each meter shall be submitted to a pressure leak test not to exceed the manufacturer's maximum rated pressure.
- (b) Temperature Compensation. - If a device is equipped with an automatic temperature compensator, this shall be indicated on the badge or immediately adjacent to the badge of the device and on the register.

However, retain the additional requirement in § 4002.5. Hydrocarbon Gas Vapor-Measuring Devices. (3.33.) (c) Retention of Customer Invoices. Any person engaging in the sale of hydrocarbon gas vapor shall retain a record of:

- (1) each individual hydrocarbon gas vapor meter billing invoice, and
- (2) the applicable rate schedule for a period of not less than 12 months and shall make them available at reasonable times for inspection and copying by the customer and the county sealer of weights and measures.

Discussion: In the CCR, the leak test requirement [Section 4002.5(a)] is different than HB 44. The temperature compensation requirement [Section 4002.5(b)] is the same as HB 44. The retention of customer invoices requirement [Section 4002.5(c)] is different than HB 44. CCR § 4002.5(c) is very similar to [CCR Section 4090](#), which reads in part:

Records.--The operator of a metered utility service system shall retain records of all pertinent rate schedules, and individual customer billings for a period of at least 12 months. Such records shall be made available at reasonable times for inspection and copying by the customer and county sealer.

Vote: In a vote of four to one, the Committee voted to retain the exception in § 4001. Exceptions.

(not reinstate HB 44 Section 3.33. Hydrocarbon Gas Vapor-Measuring Devices paragraph S.4.3. Temperature Compensation in the CCR) and retain the additional requirements in § 4002.5. Hydrocarbon Gas Vapor-Measuring Devices. (3.33.).

| Name | Vote | Comment |
|------------------|------|---------|
| Lynn Carmichael | Yea | |
| Steven Cook | No | |
| Joseph Lundeen | Yea | Second |
| Breanne Matsuura | Yea | Motion |
| Lucian Stacy | Yea | |

5. Reinstate NIST Handbook 44, Section 3.37. Mass Flow Meters in the CCR by removing the exceptions in CCR Section 4001 and repealing the additional requirements in CCR Section 4002.10 Mass Flow Meters.

Discussion: Differences were noted between HB 44 and the CCR, including the conversion factors, i.e., “1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas” in HB 44 and . “1 Gasoline Gallon Equivalent (GGE) means 5.66 lb of Compressed Natural Gas” in the CCR.

Kristin Macey stated that Assembly Bill 1907 Assembly Bill 1907 (Ridley-Thomas, Statutes of 2014, Chapter 805), specified the method of sale for CNG and LNG in California in units of gasoline gallon equivalent (GGE) and diesel gallon equivalent (DGE), respectively. AB 1907 also defined the GGE to mean 5.66 pounds of CNG, and DGE to mean 6.06 pounds of LNG.

Since state law supersedes regulation, Lynn Carmichael recommended leaving the regulation in place.

Vote: Committee members voted unanimously to retain the exceptions in CCR Section 4001 and additional requirements in CCR Section 4002.10 Mass Flow Meters.

| Name | Vote | Comment |
|------------------|------|---------|
| Lynn Carmichael | Yea | Motion |
| Steven Cook | Yea | |
| Joseph Lundeen | Yea | Second |
| Breanne Matsuura | Yea | |
| Lucian Stacy | Yea | |

C. NEW BUSINESS

1. Steve Cook asked if NIST renumbering of paragraphs when changes are made to HB 44 is problematic to inspectors. Joseph Lundeen stated this has not been a problem. Steve wondered if NIST should make a notation below the affected paragraph, i.e., “Renumbered 2016.” Breanne Matsuura said the only time this created a problem in her county was a

violation citation which was now incorrect because it had been changed in HB 44. Lucian Stacy asked that this be researched. Is it necessary? HB 44 is the reference; CCR has the effect of law. Breanne said that if her county staff need to reference HB 44 for a violation and there is no exception in the CCR to that section, they would cite Business and Professions Code Section 12107 (the section of law where HB 44 is adopted by reference); CCR Section 4000 (National Uniformity, Exceptions and Additions); and the specific HB 44 section and paragraph. Lucian and Breanne agreed that adding a disclaimer would be helpful. Kristin commented that the Field Reference Manual already contains a disclaimer statement that the CCR is the official reference document, and that something additional may not be necessary. Lucian agreed that California officials cannot cite HB 44 when they issue a violation; Breanne's example is the correct way to reference the code section violated. Steve added that each year at the front of HB 44 there is a table listing the changes, including editorial changes.

2. Joseph said that predominance of device errors is an agenda item on the Southern Deputy Sealers next meeting. Predominance was added to HB 44, G-UR.4.1. Maintenance of Equipment, in 2015. Do county officials want DMS to add an additional requirement in CCR 4002.1 General Code to define predominance and establish the threshold for enforcement action? There was discussion about calibrating to the tolerances, and not to zero. Although predominance is typically seen at fueling stations, it can also happen for other devices, e.g., scales. Committee members are interested to know how often this happens. Kristin said that all deputy sealer area groups will be discussing this topic at their next meeting and that DMS can provide a summary of comments/ideas.

3. Lucian asked whether the Committee would support forming a three-person working group to investigate other structures for the RSA Agent Exam. (Three or less persons researching a topic does not trigger Bagley-Keene open meeting notification requirements and can be done on an ad hoc basis.) Kristin volunteered to act as a facilitator/coordinator – to solicit, gather, and provide information about other state's exams. Joseph and Lynn volunteered to help Lucian on the working group.

Committee members voted unanimously to form a three-person working group to review the current RSA agent examination and alternatives.

| Name | Vote | Comment |
|------------------|------|---------|
| Lynn Carmichael | Yea | |
| Steven Cook | Yea | Second |
| Joseph Lundeen | Yea | Motion |
| Breanne Matsuura | Yea | |
| Lucian Stacy | Yea | |

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Lucian Stacy opened this item for discussion. No comments were made.

E. NEXT MEETING AGENDA - Before July 1, 2023 before the meeting requirements possibly change. Feedback on predominance - discussions from deputy sealer area groups. The Committee agreed that a DMS Update at each meeting would be beneficial. Also, add a standing item on agenda for updates from any working groups. DMS will review any other remaining exceptions or additions between HB 44 and the CCR.

F. ADJOURNMENT – Chairman Lucian Stacy adjourned the meeting at 11:17 a.m.

Respectfully submitted:

Committee Chair, Lucian Stacy
CDFA-DMS RSA Advisory Committee Chairman

APPROVED 6-14-2023