

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

**June 14, 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 9:05 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
Steve Cook

Committee Members Present (Zoom):

Lynn Carmichael
Chris Gate
Breanne Matsuura
Joseph Lundeen

Committee Members Absent:

None
Lucian noted that one member position remains vacant (RSA Customer).

CDFA-DMS:

Kristin Macey, CDFA-DMS
Clark Cooney, CDFA-DMS

Other Participants:

Richie Beebe

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 May 11, 2023 meeting.

Committee members voted unanimously to approve the May 11, 2023 meeting minutes, as edited.

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

D. REPORTS AND INFORMATION (Informational)

DMS Update. (Kristin Macey, DMS)

Kristin reported the status of Senate Bill 544 (Bagley-Keene Open Meetings Act). The bill has not yet been signed, meaning that virtual-only meetings will no longer be an option on July 1, 2023, and in-person meetings must be held. She also reported that DMS will conduct a statewide survey in 2023 to determine the current compliance of Registered Service Agencies with California law and regulations. County weights and measures officials who volunteer to assist DMS will be given training. The survey will consist of site visits to RSA offices and locations where service agents are performing work.

E. OLD BUSINESS (Discussion/Action by Committee)

1. Retain the additional requirement in California Code of Regulations (CCR) Section 4002.4. Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices. (3.32.) (e) Signs. All letters, figures or numerals used to express the price schedule shall be at least three-quarters of an inch in height. (Kristin Macey, DMS)

Discussion: This had been part of Old Business Item #3 at the 5/11/2023 meeting. However, 3.32. (e) was not addressed. Since it was not part of the voting item, it had to be carried over to the 6/14/2023 meeting. A review of the Business and Professions Code shows that the requirements for retail fueling stations (size requirements for lettering on street signs and dispensers) are different than the size requirements for LPG signs. There are no size requirements for numbers and letters in NIST Handbook 44 (NIST HB 44) for reference/comparison. The LPG industry in California is very mature and well established, and this regulation has been in effect for many years. Repealing this additional requirement may cause some LPG retailers to change the size of lettering and numbers on signs. Committee consensus is that this change is not necessary and could be disruptive.

Vote: Committee members voted unanimously to retain the addition of CCR Section 4002.4 Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices. (3.32.) (e) Signs.

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

2. Add an additional requirement to CCR Section 4002.1. G-UR.4.1. Maintenance of Equipment, to clarify the meaning of predominance. (Kristin Macey, DMS)

Discussion: Kristin shared feedback received from county deputy sealers that showed a wide variation of interpretation of this paragraph and county enforcement. In cases where county sealers are inconsistent in interpretation of the law and enforcement actions, DMS is obligated to provide guidance to achieve statewide uniformity. This guidance can be provided either via a guidance document, i.e., a DMS Notice, or through rulemaking. Committee members indicated preference for a rulemaking (rather than a DMS Notice) for this paragraph. DMS will conduct a survey of the counties that will document the inconsistencies between local jurisdictions, and this will be incorporated as justification in a future rulemaking. Kristin calculated that if a gas station selling 3,000 gallons of fuel per day were to adjust its dispensers to be off by only one cubic inch, the station could realize an additional \$19,000 per year. Lynn Carmichael said the definition of predominance should be any percentage of devices over 50%, so make it 51%. Joseph Lundeen added that it should be a nonretroactive requirement. Breanne Matsuura suggested that any negative amount of error beyond zero should be considered when determining if a station is in violation. For example, it would be inconsistent if some counties decided a pump was in favor of the device user at -1 cubic inches, while other counties used -4 cubic inches as the determination.

Vote: Committee members voted unanimously to define predominance as 51 % of the devices at a single place of business that are found in error in a direction favorable to the device user.

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

Vote: Committee members voted unanimously to address predominance (definition and specify it as a nonretroactive requirement) in CCR 4002.2. General Code (1.10.) via rulemaking.

Name	Vote	Comment
Chris Gate	Yea	
Lynn Carmichael	Yea	Motion

Steven Cook	Yea	
Joseph Lundeen	Yea	Second
Breanne Matsuura	Yea	
Lucian Stacy	Yea	

C. NEW BUSINESS

1. Review CCR exceptions and additional requirements for any that have not been addressed by the Committee (Kristin Macey, DMS)

Discussion: Kristin Macey was not finished with the document, so this item will be tabled until the next meeting.

Vote: There was no vote on this item.

2. Add additional requirement in CCR Section 4002.1 (General Code) G-S.1. Identification (e) to require CTEP identification as a nonretroactive requirement. (Kristin Macey, DMS)

Discussion: Kristin explained that NIST HB 44 Identification (e) contains a requirement for all equipment to be clearly and permanently marked with a National Type Evaluation Program Certificate of Conformance (NTEP CC) number, but the CCR does not contain a similar provision for devices which have successfully passed type evaluation in California and given a California Type Evaluation Program Certificate of Approval (CTEP COA) number. Some manufacturers have voluntarily marked their devices, but others haven't because it isn't required. This has created confusion for RSAs and county officials who want to see if the device has a CTEP COA.

Vote: Committee members voted unanimously to place an additional requirement in CCR 4002.1. General Code (1.10.), to require any device with a CTEP COA to be permanently marked with information, similar to what is required for NTEP CCs.

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

3. Service Agent Work Group (WG) review of the current service agent examination and alternatives. (Lucian Stacy)

Discussion:

On June 6, 2023 (prior to this meeting), WG members Lucian Stacy, Lynn Carmichael, and Joseph Lundeen met to discuss alternatives to the current service agent exam. They agreed that

an exam should contain three subcategories to properly test an individual's knowledge: 1. State legal requirements; 2. NIST HB 44 General Code requirements, and 3. Technical requirements of the specific type(s) of devices repaired.

At this meeting, Joseph prepared a draft of subcategories using examples from other states' information. He broke out his proposed exams by common groupings for weighing and measuring devices, but noted that California regulates more device types than other states do, e.g., utility submeters.

Weighing:

1. Retail / Commercial Scales
2. Industrial Scales
3. Other / Weighing Software

Measuring:

1. Liquid Measurement
2. Submeter Device
3. Taxi / Odometer
4. Liquified Gas Measurement
5. Electric Vehicle Fueling System
6. Miscellaneous Measurement

DMS was asked to find other states' information regarding service agent exams for the WG to continue its comparison. Lucian Stacy expressed concern that the integrity of the exam is compromised because it is online and not proctored. He suggested going back to a proctored exam, which Breanne Matsuura agreed with. Breanne Matsuura also suggested a statewide survey to counties about common RSA errors they encounter. Some of the questions on the exam can then be geared to address these issues.

Vote: Committee members voted unanimously to request DMS conduct a survey to determine current RSA/service agent compliance.

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

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Lucian Stacy asked for comments from the public. The Committee did not receive any comments.

D. NEXT MEETING AGENDA – Committee members agreed that a meeting in August or September 2023 would be appropriate, given the amount of work to be done before the next

meeting. It was noted that Lynn Carmichael's term expires 9/30/2023.

E. ADJOURNMENT – Lucian Stacy adjourned the meeting at 11:47 p.m.

Respectfully submitted:

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

APPROVED 10/25/2023