

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
DIVISION OF MEASUREMENT STANDARDS (DMS)
REGISTERED SERVICE AGENCY (RSA) ADVISORY COMMITTEE
CONFERENCE MEETING
December 13, 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 9:00 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):

Steven Cook
Lucian Stacy

Committee Members Present (Zoom):

Lynn Carmichael
Joseph Lundeen
Breanne Matsuura

Committee Members Absent:

Chris Gate
Lucian noted that one member position remains vacant (RSA Customer/Client).

CDFA-DMS:

Kristin Macey, CDFA-DMS
Clark Cooney, CDFA-DMS
Kevin Schnepf, CDFA-DMS
Samuel Ferris, CDFA-DMS
Cameron Perez, CDFA-DMS

Other Participants:

None identified

Presenter(s):

Samuel Ferris, CDFA-DMS
Lucian Stacy, Committee Chair

C. APPROVAL OF PRIOR MEETING MINUTES

Lucian Stacy asked the committee if there were any comments or edits needed to the draft minutes of the meeting held on October 25, 2023. No comments were made.

Motion/Vote: To approve the meeting minutes of October 25, 2023, with no additional edits.

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

D. REPORTS AND INFORMATION (Informational)

1. DMS Updates. (Samuel Ferris)

- a. Farm Milk Tank Survey – On December 5, 2023, DMS delivered the Farm Milk Tank survey to each county jurisdiction. Responses are due Friday, December 15, 2023. So far, results show 39 of 55 county employees replied. Results will be presented at the next RSA Advisory Committee meeting.
- b. RSA Advisory Committee Vacancy – There remains one vacant position for a client/customer of an RSA. On December 1, 2023, DMS posted a Press Release advertising the vacancy and instructed interested individuals to send a brief letter of interest and a completed Prospective Member Appointment Questionnaire to DMS' general email address by January 31, 2024.
- c. Bagley-Keene Open Meetings Act updates – New requirements will be effective on January 1, 2024, by act of Senate Bill (SB) 544. Among other things, this bill amends Government Code Section 11123.5 permitting advisory committee meetings to be held by teleconference for committee members and public. Physical attendance is not required by all committee members and some members attending remotely may count toward a quorum. While attending remotely, the committee member must keep their video turned on. Remote locations are not required to be disclosed in the public notice. DMS is required, within 24 hours, to update the public notice and agenda with names of committee members who will be attending remotely. DMS requests members to declare their decision to participate remotely at least 10 days prior to a meeting so that the original public notice and agenda reflect members who will be attending remotely.

- d. Service Agent License Examinations – The National Conference on Weights and Measures (NCWM) administers two (2) basic competency exams and seven (7) professional certification exams. DMS forwarded NCWM’s test result data to the RSA Advisory Committee Work Group on Service Agent License Examinations for its consideration.

2. RSA Competency Training Updates (Lucian Stacy) – Lucian Stacy reported that he has been working with the International Society of Weighing & Measurement (ISWM) who administers training courses such as National Institute of Standards and Technology (NIST) Handbook 44 training and other weighing and measuring competency training courses for service agents.

E. OLD BUSINESS (Discussion/Action by Committee)

1. RSA Advisory Committee Work Group on Service Agent Examination update (Lucian Stacy) – The work group is looking at what RSAs and counties feel is necessary for service agent competency. Joseph Lundeen added that the work group wants to evaluate its purpose and that its recommendation reflects a benefit to the industry and regulators. He wants to elevate industry practices and address shortfalls. Lucian Stacy said the work group has information and test data from other states and NCWM to help make an informed decision. He would also like the exam to meet the needs of the public and improve the competency of the service agent. No other comments were made.

No action was taken by the committee.

F. NEW BUSINESS

1. Alternatives to Lead and Wire Seals – Brianne Matsuura offered an update that a California county conducted lead dust testing and found trace amounts. Sacramento County also conducted lead dust tests. Lead was not found in county vehicles, but trace amounts were found in the county’s water, vapor and electric test laboratories. Sacramento County made a decision to switch from lead and wire seals to plastic seals. Joseph Lundeen claimed that about one year ago San Bernardino County tried using various plastic seals but after a trial period chose to keep using lead and wire seals. Lucian Stacy asked whether counties were using self-destructing paper seals. Joseph Lundeen said that they use tamper-evident paper seals for certain cases where a lead and wire seal will not work. Breanne Matsuura explained that Sacramento County uses paper tamper-evident seals on Cannabis scales and are currently in a trial period of using plastic seals on other devices. She added that aluminum seals are an option that are more expensive and more difficult to press. Lynn Carmichael added that his company only uses paper seals.

Lucian Stacy asked whether counties checked for the current year pressed in the seal. Both Brianne Matsuura and Joseph Lundeen confirmed that their counties check for that requirement. Steven Cook and Clark Cooney explained that in years past various trials conducted at a state level (in California and Oregon, respectively) have shown similar results as those shared by Breanne Matsuura and Joseph Lundeen. Clark Cooney added that plastic seals were fragile and would easily break. No other comments were made. No action was taken by the committee.

2. Committee Review of Title 4 CCR Sections 4080-4088 regarding Registration of Service Agencies for Commercial Weighing and Measuring Devices – Samuel Ferris explained that this item is for the committee to review and recommend future changes to these sections.

Section 4080. Application.

Lucian Stacy read this section aloud. The committee agreed that there are no changes needed.

Motion/Vote: To retain CCR Section 4080.

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

Section 4081. Registration of Service Agencies and Service Agents Required.

Lucian Stacy read this section aloud. Joseph Lundeen recommended edits to subdivision (b) of this section. He pointed out that there are issues with service agents working without being employed by a service agency. He is concerned with the phrase "...shall expire upon termination..." while Lynn Carmichael replied that from a business perspective the RSA has paid for the license and would not want that service agent working outside of his business. Lucian Stacy recommended the license be made inactive until the license is assigned to another service agency. Joseph Lundeen agrees that there should be an inactive list of service agents who are ineligible to perform work until hired by a service agency. Breanne Matsuura pointed out that the definition of service agent in the Business and Professions Code includes an individual that is employed by a service agency. Lucian Stacy commented that the license is valid for five (5) years and should not expire but be suspended. Samuel Ferris commented that subdivision (b) refers to "The registration of a service agent..." yet service agents receive a license not a registration.

Motion/Vote: To amend and combine Section 4081 (b) and (c) to read, "The license of a service agent shall be suspended upon termination of employment with the service agency. Each service agency shall notify the Department within 30 days of the termination of a service agent."

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

Section 4082. Fees.

Lucian Stacy read this section aloud and commented that possibly this section be made less punitive. Joseph Lundeen and Lynn Carmichael commented that the committee should not recommend edits to this section. Breanne Matsuura was not clear about the 5-day postmark time frame in subdivision (a). Lynn Carmichael and Lucian Stacy explained it was to allow mail to be processed after weekends or holidays by the United States Postal Service. Lucian Stacy also pointed out that this section does not address payments made using the new RSA Portal.

Motion/Vote: To retain CCR Section 4082.

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

Section 4083. Examinations/Licenses.

Lucian Stacy read this section aloud and commented that the requirements in subdivision (a) and (b) are not happening, specifically showing proof of identification, with the current online test system. Joseph Lundeen agreed and compared this requirement with the Department of Pesticide Regulation's (DPR) examination procedures. DPR requires in-person proctoring where identification can be confirmed. Lucian Stacy is concerned about the validity of non-proctored examinations if they do not follow the requirements in this section. He also said that he hasn't seen the document referred to in subdivision (b). Joseph Lundeen does not foresee county offices of weights and measures resuming in-person testing and suggested using a third-party testing company to administer the exam. He added that doing so would necessitate an increase in the examination fee (currently \$35). DPR's examination fee is \$50. Lucian Stacy, Joseph Lundeen, and Lynn Carmichael agreed that the committee needs more information on this section before making recommendations to it.

Motion/Vote: To "table" (postpone) recommended edits to CCR Section 4083.

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

Section 4084. Authority for Service Agency to Place a Device into Service.
 Lucian Stacy read this section aloud. The committee agreed no changes are needed to this section.

Motion/Vote: To retain CCR Section 4084.

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

Section 4085, Responsibility of a Service Agency.

Lucian Stacy read this section aloud. Committee comments are as follows:

Subdivision (a) (2) (vii) - Clark Cooney recommended to remove, "...the National Institute of Standards and Technology or..." from this subdivision. The National Institute of Standards and Technology no longer issues a Certificate of Conformance. It is only the National Conference on Weights and Measures who issues a Certificate of Conformance. Lucian Stacy recommended adding, "California CTEP" (i.e., California Type Evaluation Program Certificate of Approval) in its place.

Subdivision (a) (4) – Lucian Stacy recommended removing the year from the security seal in this subdivision to benefit the industry from having to order new ones each year. Joseph Lundeen agreed if it does not conflict with Business and Professions Code Section 12107.

Subdivision (a) (2) revisit – Joseph Lundeen commented that recently Orange County added additional items to their Placed in Service Report to include the device owner’s mailing address. Lucian Stacy recommended making this a prescriptive form like other states. Clark Cooney added that according to the memorandum of understanding between DPR, CDFA, and the California Agricultural Commissioners and Sealers Association (CACASA), edits to forms are required to be reviewed and approved by CACASA before DMS can move forward with drafting a new form. Lucian Stacy recommends adding the service agent license number.

Subdivision (a) (4) revisit – Lucian Stacy recommended adding the “adjusted” date to the RSA adhesive tag or label.

Subdivision (a) (2) revisit – Lucian Stacy also recommended adding a narrative description of notes and worked performed to the Placed in Service Report.

Subdivision (a) (5) – Lucian Stacy asked Breanne Matsuura and Joseph Lundeen if they preferred to see certificates of accuracy of standards listed on the Placed in Service Report. Breanne Matsuura claimed a county needs to contact DMS to see the certificates of accuracy of standards. Joseph Lundeen said he has contacted DMS many times to get that information. He also expressed concern that not all RSAs have enough suitable standards to account for all the work done in the field.

Motion/Vote: To amend subdivision (a) (2) (ii) to add "...business address and mailing address, if different from business address."

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

Motion/Vote: To amend subdivision (a) (2) (iii) to read, "Name of service agent(s) and license number(s)."

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

Motion/Vote: To amend subdivision (a) (2) (vii) to strike the phrase, "...the National Institute of Standards and Technology or..." and add language to reference CTEP COA.

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

Motion/Vote: To add a new subdivision (a) (2) (viii) to include a narrative of work performed for each device listed on the Placed in Service Report.

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

Subdivision (a) (4) revisited – Breanne Matsuura said it may be an added cost for RSAs to change the security seal die when a service agent leaves the RSA, and Joseph Lundeen added that when a service agent renews the license every five years, the service agent may be assigned a new license number. Joseph Lundeen explained the importance of traceability and that the security seal, the service identification of work adhesive tag, and the Placed in Service Report should all match. Using these, the official can investigate further as needed.

Motion/Vote: To amend subdivision (a) (4) to strike the phrase, "...and the year the security seal was placed on the device," and replace it with the service agent license number.

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

Motion/Vote: To recommend all above changes to CCR 4085.

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

Section 4086. Certification of Service Agency Standards.

Lucian Stacy read this section aloud and recommended this section include that the RSA have enough standards before they perform work. Samuel Ferris added that statute already requires the RSA to possess or have access to certified standards. Lucian Stacy identified that the statute does not require the RSA to have enough certified standards for each agent doing the work. Lucian Stacy asked if it is in regulation or statute that the RSA must use certified standards to test a device. Joseph Lundeen recalled that statute makes it a misdemeanor to possess false weights that are inaccurate. The committee discussed the fact that certain scale testing requirements in NIST Handbook 44 are not adopted in California and that state and county weights and measures officials cannot require an RSA to comply with requirements not adopted. Breanne Matsuura referenced BPC Section 12534 that requires an RSA to use certified standards to determine whether a device is correct.

Motion/Vote: To retain CCR Section 4086.

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

Section 4087. Payments to Counties.

Lucian Stacy read this section aloud and identified that the revision year (8/00) of the County Annual Report is outdated. Breanne Matsuura added that the form number may need to be updated as well. Joseph Lundeen said that this form is now digitized and available on the County Portal website. Lucian Stacy suggested that the language read, "using current revision." Samuel Ferris explained that according to the Administrative Procedure Act that governs rulemaking, a form incorporated by reference must be adopted with a revision date.

Motion/Vote: To reevaluate/update the form and revision date of the County Annual Report referenced in subdivision (b).

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

Section 4088. Advisory Committee.

Lucian Stacy read this section aloud and noted the revision date of the referenced document needs to be updated.

Motion/Vote: To reevaluate/update the revision date of the State Administrative Manual Section 0774 adopted by reference in subdivision (a).

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

3. Committee Review of the National Institute of Standards and Technology (NIST) Handbook 130, Section IV., Section D. Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices. (This national uniform regulation is not adopted in the California Code of Regulations). – Lucian Stacy explained that the purpose of this item is for the committee to review the national model regulation for registered servicepersons in NIST Handbook 130 and compare it to the associated requirements adopted in the California Code of Regulations. Samuel Ferris presented a roll up summary of those states that do or do not adopt this section of NIST Handbook 130 and reiterated that California does not adopt this section.

Section 1. Policy

Lucian Stacy explained that this section recommends each state to have a program in place for servicepersons to ensure they are licensed and know what they are doing. No other comments were made.

No action was taken by the committee.

Section 2. Definitions

Lucian Stacy read this section aloud. Steven Cook observed that the definitions in California statute are Registered Service Agency (RSA) and Registered Service Agent (RSA), both having the same acronym. This could cause some confusion. Samuel Ferris mentioned that the definitions of Service Agency and Service Agent are in statute and cannot be changed with rulemaking action.

Motion/Vote: To retain current CCR regarding definitions.

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

Section 3. Registration Fee

Lucian Stacy read this section aloud. Samuel Ferris noted that this requirement is established in California statute. No other comments were made.

Motion/Vote: To retain current CCR regarding registration fees.

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

Section 4. Voluntary Registration

Lucian noted California statute requires registration of service agencies. He also pointed out that there is merit in the registration form having a statement that the individual is fully qualified and competent to do the work of a service agency, and submit appropriate evidence or references as to their qualifications. Joseph Lundeen feels that statute limits what changes can be made through rulemaking.

Motion/Vote: To retain current CCR regarding registration of a service agency.

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

Section 5. Minimum Equipment

Lucian Stacy and Joseph Lundeen commented that this requirement is established in California statute. No other comments were made.

Motion/Vote: To retain current CCR regarding minimum equipment.

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

Section 6. Certificate of Registration

Lucian Stacy commented that this requirement is in California statute. No other comments were made.

No action was taken by the committee.

Section 7. Privileges and Responsibilities of a Voluntary Registrant

Joseph Lundeen commented that this requirement is in California statute. No other comments were made.

No action was taken by the committee.

Section 8. Placed in Service Report

Lucian Stacy noted that this section requires a copy of the Placed in Service Report to be left with the device owner. This is not required in California. Lynn Carmichael said that his company leaves a service ticket with the device owner so that they have documentation and know what work was done. No other comments were made.

No action was taken by the committee.

Section 9. Examination and Calibration or Certification of Standards and Testing Equipment

Lucian Stacy observed that this requirement is established in California statute and that statute is stricter than this section. No other comments were made.

No action was taken by the committee.

Section 10. Revocation of Certificate of Registration

Lucian Stacy commented that California already does this. No other comments were made.

No action was taken by the committee.

Section 11. Publication of Lists of Registered Servicepersons and Registered Service Agencies

Lucian Stacy asked whether DMS maintained a list of RSAs and agents. Joseph Lundeen confirmed that DMS posts lists on its website. Lucian Stacy asked how old the posted lists are. Breanne Matsuura and Joseph Lundeen claimed the lists are updated about every couple of months. He then asked if the lists can be generated from the RSA Portal so that it is updated and auto generated. Samuel Ferris said he would find out whether DMS can do that. Breanne Matsuura commented that there is a list for service agents not associated with an RSA. She added, the definition of service agent in statute requires that a service agent be employed by an RSA. Lucian Stacy said those would be the "suspended" agents (per the earlier recommendation made by the committee to change CCR Section 4081, above). Breanne Matsuura requested DMS to evaluate that list.

Motion/Vote: To request DMS to evaluate the list of service agents not associated with a service agency.

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

Section 12. Effective Date
 No comments were made.

No action was taken by the committee.

G. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No comments were made.

H. NEXT MEET AGENDA

Lucian Stacy recommended the next meeting to be scheduled for March 2024.

I. ADJOURNMENT

1. Lucian Stacy asked to adjourn this meeting.

Motion/Vote: To adjourn the meeting at 12:10 p.m.

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

Respectfully submitted:

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