

DEPARTMENT OF FOOD AND AGRICULTURE



Division of Measurement Standards
8500 Fruitridge Road
Sacramento, California 95826-4808

DMS NOTICE
G – 03 – 1

May 7, 2003

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Alternatives to Specified Frequency of Inspection

Interest has recently been expressed in the alternatives to the Specified Frequency of Inspection for devices used for commercial and law enforcement purposes. The Code authorizes county sealers of weights and measures, upon approval of the Director, to use plans for inspection of weighing and measuring devices other than those stated in Section 4070, "Frequency of Inspection", of the California Code of Regulations. These plans provide that all commercial devices shall be tested either:

- on a regular frequency,
- on a variable frequency,
- or on the basis of a statistical sampling procedure.

The objectives of these plans are to place a greater emphasis on the owner/users responsibility for maintaining correct devices; to permit counties to concentrate their efforts on those devices which are not properly maintained; and to expand inspection of consumer commodities, retail deliveries, and educational activities related to weights and measures.

In order to initiate one of these alternative frequency of inspection plans, the sealer of each county desiring to participate in this program must prepare a plan of inspection for devices and submit it to: Division of Measurement Standards, 8500 Fruitridge Road, Sacramento, CA 95824.

Examples of approved and model plans are available from the Division of Measurement Standards in Sacramento. If you have any questions, or would like assistance in initiating an Alternative Frequency of Inspection Program as stated in Chapter 3, Article 2, Sections 4071 to 4074, please contact Ken Lake at (916) 229-3047 or email your request to klake@cdfa.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Cleary".

Mike Cleary
Director
(916) 229-3000

Attachments

Chapter 3. Device Inspection

Article 1. Frequency of Inspection

4070. Frequency of Inspection. The frequency of inspection for weighing and measuring devices used for commercial and law enforcement purposes is established as in Table 1. The specified times are maximum times between tests. More frequent tests may be conducted if requested by the device user

in a complaint investigation or on the initiative of a weights and measures official. The definitions of specific device classifications are as in Chapter 1.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

TABLE 1. FREQUENCY OF INSPECTION

DEVICE	Article	Section	INSPECTION FREQUENCY		
			Initial Only	Annual	Other
MEASURES					
Dry	1	4.45	X		
Glass Graduates	1	4.44	X		
Linear	1	5.52			Original Plus Annual Visual
Liquid	1	4.41		X	
MEASURING DEVICES					
Cryogenic	1	3.34		X	
Electric Watt-Hour	2.2				10 Years
Fabric	1	5.50		X	
Lubricant	1	3.30		X	
Hydrocarbon Vapor	1	3.33			10 Years
LPG Liquid	1	3.32		X	
Moisture	1	5.56		X	
Odometers	1	5.53		X	
Retail Meters	1	3.30		X	
Taximeters	1	5.54		X	
Vehicle Tank Meters	1	3.31		X	
Water (Domestic Service)	1	3.36			10 Years
Water (All Other)	1	3.36		X	
Wholesale Meters	1	3.30		X	
Wire and Cordage	1	5.51		X	
SCALES					
Animal	1	2.20		X	
Automatic Bulk Weighing System for Grain	1	2.22		X	
Belt Conveyors	1	2.21		X	
Computing	1	2.20		X	
Counter	1	2.20		X	
Crane	1	2.20		X	
Dormant	1	2.20		X	
Hopper and Tank	1	2.20		X	
Livestock	1	2.20		X	
Meat Beam, Steelyard	1	2.20		X	
Monorail	1	2.20		X	
Portable Platform	1	2.20		X	
Prescription	1	2.20			2 Years
Railway Track	1	2.20		X	
Spring	1	2.20		X	
Vehicle	1	2.20		X	
TANKS OR COMPARTMENTS					
Liquid Gauged	1	4.40	X		
Dry, Measured	1	4.40	X		
Farm Milk Tanks	1	4.42			Original Plus Annual Visual

Article 2. Alternatives to Specified Frequency of Inspection

4071. Purpose of Article. This article authorizes county sealers or directors of weights and measures, upon approval of the Director, to use plans for inspection of weighing and measuring devices other than those stated in Article 1 of this chapter. A portion of the sealer's resources will thus be made available for other weights and measures enforcement work which the Director finds to be necessary.

Upon granting such approval, the Director will instruct the sealer or director to perform such alternative work.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

4072. Findings. The Director finds (1) that the minimum frequency of inspection required by Article 1 should be modified in some counties because of evidence of satisfactory and continuing accuracy of certain weighing and measuring devices; (2) there is an increasing need to perform additional end result type inspections; and (3) that the performance of other enforcement work will assist the sealer in providing to consumers and commerce the services and protection required to be provided by the Business and Professions Code.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

4073. Approval of County Plans. County plans will be approved in writing by the Director upon request and compliance with adequate requirements.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

4074. Instructions to Sealers.

(a) **Frequency of Inspection.** The county sealer or director of each county desiring to participate in this program shall prepare a plan of inspection for devices and submit to the Director for approval. The plan shall provide that all commercial devices shall be tested either on a regular frequency, a variable frequency, or on the basis of a statistical sampling procedure. The sealer shall initiate variable frequency or statistical sampling plans upon approval of the Director and submit to the Director such reports as he may require concerning the operation of the plan and the level of consumer protection provided. The Director may withdraw his approval and require modification or termination of the plan when he determines it is necessary for the purpose of this chapter.

(b) **Alternative Programs.**

(1) The additional resources made available to the sealers shall be used in the following weights and measures programs:

(A) Consumer commodities and package inspection.

(B) Accuracy of retail delivery of weighed, measured and counted commodities.

(C) Educational activities related to weights and measures enforcement.

(2) Unless otherwise designated by the Director, the sealer shall apportion the resources used in such alternative programs in his discretion to best accomplish the purpose of this chapter.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.