



NIST Handbook 44 Electric Vehicle Charging Station Requirements Pre-Rulemaking Workshop

The California Department of Food and Agriculture (CDFA), Division of Measurement Standards (DMS) will conduct a workshop to develop regulatory language to amend Section 3.40. Electric Vehicle Fueling Systems – Tentative Code contained in the National Institute of Standards and Technology (NIST) Handbook 44 (HB 44), “*Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*,” and adopted by reference by CDFA.

Wednesday, August 17, 2016

9:00 a.m. – 11:30 a.m.

California Department of Food and Agriculture
1220 N Street
First Floor, Auditorium
Sacramento, CA 95814

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Purpose

The purpose of this pre-rulemaking workshop is to provide stakeholders an opportunity to comment on a proposed regulation to amend California Code of Regulations (CCR), Title 4, Division 9, Chapter 1, Part 3, § 3.40. Electric Vehicle Fueling Systems – Tentative Code. The broad objective of the regulation is to facilitate the Governor’s Zero Emissions Vehicle (ZEV) initiatives. Developing an effective regulation will assist with the acceleration of a market for ZEVs, a cornerstone of California’s long-term transportation strategy. Another benefit of this regulation is the establishment of specifications and accuracy tolerances for commercial electric vehicle supply equipment (EVSE) which will facilitate the legal retail sale of electricity as a motor vehicle fuel by the kilowatt hour.

Background

Certain EVSE or providers are exempt from regulation as a utility. Public Utilities Code § 216 (i) states, “The ownership, control, operation, or management of a facility that supplies electricity to the public only for use to charge light duty plug-in electric vehicles does not make the corporation or person a public utility within the meaning of this section solely because of that ownership, control, operation, or management. For purposes of this subdivision, “light duty plug-in electric vehicles” includes light duty

battery electric and plug-in hybrid electric vehicles. This subdivision does not affect the Commission's authority under Section 454 or 740.2 or any other applicable statute."

This exemption, in addition to the provisions of California Business and Professions Code's (BPC) Division 5 and subsequent regulations found in CCR Title 4, Division 9, provides the legal basis for CDFA's DMS to apply basic weights and measures requirements to electricity sold as a vehicle fuel from EVSE in public and commercial settings, when used to charge light duty plug-in electric vehicles.

Enforcement of California's weights and measures laws and regulations is the responsibility of CDFA DMS. Enforcement of BPC Division 5 and CCR Title 4, Division 9 assures consumer confidence in commercial transactions and promotes equity among businesses competing for market share. The secretary is authorized to make such rules and regulations that are necessary to carry out weights and measures laws per BPC § 12027. BPC § 12107 states that the secretary shall adopt, by reference, the latest standards as recommended by the National Conference on Weights and Measures (NCWM) and published in NIST HB 44 "*Specifications and Tolerances, and other Technical Requirements for Weighing and Measuring Devices,*" except as specifically modified, amended, or rejected by regulation adopted by the secretary.

In 2014, NCWM adopted by reference § 3.40. Electric Vehicle Fueling Systems - Tentative Code which was first published in the 2015 edition of NIST HB 44. The CDFA has determined that regulatory amendments are necessary for the following reasons:

- 1) A tentative code has only trial or experimental status and is not enforceable. Removal of these qualifying words will make clear that this regulation is the basis of enforcement for commercial applications of EVSE.
- 2) Amending the regulations would clarify and make specific some technical requirements for EVSE, while recognizing and accommodating existing and emerging technologies.

Stakeholder Comment

Oral comments: Staff will accept oral comments during the pre-rulemaking workshop. All stakeholder comments and concerns will be considered by the Department to facilitate effective development of formal regulatory language. Formal regulatory language will be submitted to the Office of Administrative Law (OAL) after stakeholder comments and concerns have been reviewed by Department staff.

Written comments: Written comments may be accepted at the workshop; however, staff may or may not have time to review them before the workshop's conclusion. Written comments can be submitted to CDFA DMS, 6790 Florin Perkins Road, Suite 100, Sacramento, California 95828. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at dms@cdfa.ca.gov.

Please note that your written and oral comments, attachments, and associated contact information, will likely become part of the documents relied upon section included in the regulatory package submitted to OAL.

Remote Access

You may participate in this meeting through GoToWebinar. Presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that a recording of this informal workshop may be made to assist the Department in accurately capturing all stakeholder comments and questions presented.

Please register at the link below (Webinar ID: 156-455-003):

<https://attendee.gotowebinar.com/register/5086335668274633729>

After registering, you will receive a confirmation email containing information about joining the webinar. If you have difficulty joining the meeting, please call the GoToWebinar Technical Support at (855) 352-9002.

Availability of Documents

Following the meeting, documents, including staff reports and presentations, will be available online at: <http://www.cdfa.ca.gov/dms/regulations.html>