

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED REPEAL OF THE REGULATIONS

Title 4, Division 9, Chapter 1
Article 1
Sections 4002.2(a)
Recommended Minimum Test Weights and Test Loads

INITIAL STATEMENT OF REASONS

Background

The Legislature has charged the Department of Food and Agriculture (Department) with the responsibility for supervising weights and measures activities within California (Business and Professions Code, Division 5, Section 12100). The Secretary of the Department of Food and Agriculture is granted authority to adopt such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Division 5, Section 12027 and 12107.

Description of the Public Problem, Administrative Requirements, or other Conditions or Circumstances the Regulations are Intended to Address

Sections 12027 and 12107 of the Business and Professions Code give the Secretary authority to make such regulations as are necessary for the purpose of carrying out the provisions of Division 5.

Since the exception to NIST Handbook 44 was adopted by the Department, county weights and measures officials have obtained the necessary test weights to meet the required minimum test weights and test loads required by Handbook 44. Therefore, the need for the current exception Section 2002.2(a) for "Recommended Minimum" test weights and test loads is no longer necessary.

Specific Purpose and Factual Basis

The Department proposes to repeal Chapter 1, Article 1, Section 2002.2(a) – Recommended Minimum Test Weights and Test Loads, to align them with changes to NIST Handbook 44 Section 2.20 Scales. Business and Professions Code Section 12107 requires the Department to adopt by reference the latest standards recommended by NIST Handbook 44.

Estimated Cost or Savings to Public Agencies or Affected Private Individuals or Entities

The Department has initially determined that this proposal does not impose a mandate on local agencies or school districts.

The Department has also initially determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 8 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from this action.

The cost impact of the changes in the regulations on private individuals or businesses is expected to be insignificant.

The Department has initially determined that the proposed action will not have a significant adverse economic impact on housing costs or businesses, including the ability of California businesses to compete with businesses in other states. The Department's initial determination that this action will not have a significant adverse economic impact is based on the fact that this regulation does not place new requirements or restrictions on businesses.

Assessment

The Department has made an assessment that the proposed regulation sections would not: (1) create or eliminate jobs within California; (2) create new business or eliminate existing businesses within California; and (3) affect the expansion of businesses currently doing business in California.

Alternative Considered

The Department must determine that no alternatives considered would be as effective in carrying out the purpose of this proposed regulation or would be as effective and less burdensome to the affected private persons other than the proposed regulation.

This regulatory action has no significant adverse economic effect on businesses.

Technical Theoretical and/or Empirical Study, Reports, or Documents

The Department has relied on the following for these regulation amendments:

California Business and Professions Code pertaining to Weights and Measures and Petroleum Products, Division 5, Chapters 1 through 17.