

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to repeal regulations contained in Title 4, Division 9, Chapter 1, Article 1, Section 4002.2(a). This regulation gave guidelines to sealers of weights and measures on recommended minimum test weights and test loads to be used when testing scales.

Business and Professions Code Section 12107 requires the Department to adopt the National Institute of Standards and Technology (NIST) Handbook 44 (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 of the Department of Food and Agriculture (Secretary). Title 4, California Code of Regulations, Section 4002.2(a) was added, amending HB 44, specifically to allow county offices of weights and measures time to procure sufficient test standards to be able to apply the minimum amount of test loads to scales with capacities greater than 40,000 pounds. County offices of weights and measures now have sufficient test standards to meet the minimum test load of 12.5% required by HB 44 and the amended provision of Section 4002.2(a) is no longer necessary.

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

A public hearing is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828-1812. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on January 17, 2011.