



DATE: March 15, 2011

TO: Henry Gonzales  
Chair - SCACASA

FROM: Jeff Humphreys  
Chair - SCWAMDA

SUBJECT: SB 744

At the March 3 meeting of the Southern California Weights and Measures Deputies Association, members present discussed item 10 on the meeting agenda, pertaining to SB 744 (Wyland). This measure would add to Chapter 17 in the California Business and Professions Code, section 13850. This new section, as it currently is proposed, would allow any water submeter to be considered sealed if the test bench on which it had been tested had been regularly calibrated by a cross-check measure. Conditions that would have to be met include: the submeter having been type approved by the Division of Measurement Standards; the submeter meeting the accuracy requirements established in NIST HB 44; and the results of any tests to be attached to the submeter.

SB 744 has several flaws that would severely limit California weights and measures officials' ability to ensure that water submeters are correct when installed and ensure that manufacturers are competing evenly. The most significant problem is that it allows these submeters to escape the inspection and testing procedure currently in place in county labs. Other problems include:

- The types of facilities performing the testing is not specified in the proposed legislation. There is no requirement for these labs to be audited or certified by any governing agency. In addition, the proposal makes no mention of any requirement for these facilities to possess standards traceable to NIST.
- Water submeters would go directly into placement in apartments and mobile home parks. Determining where submeters are currently placed, even after being tested and sealed by our staffs, is difficult enough. It could be anticipated that substantial amounts of annual device registration fees could be lost.
- The term "cross-check measure" is not defined.

- Test results are already attached to water submeters when they are delivered. Despite this fact, numerous lots of water submeters fail when subjected to NIST HB 44 test procedures in our labs.

- Very importantly, the proposal is in conflict with various sections of the Business and Profession Code. These include sections 12210, 12501, 12504, 12510(a)(2) & (4). It would be a dangerous precedent to carve out an exemption for one type of device. Other device manufacturers would surely attempt to legislate exemptions from inspection and testing for their products if SB 744 becomes law.

The suspicion among the SCWAMDA membership is that this bill has been sponsored by current or potential manufacturers of multi-jet meters. These meters have consistently shown relatively high accuracy failure rates when tested on county water benches. This appears to be nothing more than an attempt to reduce costs to the manufacturers and distributors of these meters, and unfairly compete against manufacturers selling higher quality products.

JNH;jh