

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
DIVISION OF MEASUREMENT STANDARDS (DMS)
REGISTERED SERVICE AGENCY (RSA) ADVISORY COMMITTEE
ZOOM CONFERENCE MEETING**

**April 14, 2022
10:00 a.m. – 11:44 a.m.**

MEETING MINUTES

**Minutes are considered DRAFT until approved
by the RSA Advisory Committee**

A. CALL TO ORDER

The Committee Chairperson, Steven Cook, called the meeting to order at 10:00 a.m. The meeting was held both in-person and remotely using Zoom.

B. ROLL CALL OF MEMBERS

Steven Cook took roll call. Membership attendance is reported below. Mr. Cook and Sam Ferris (DMS Liaison) explained that as of April 1, 2022, the Governor's Executive Orders that waived the requirement to hold in-person meetings expired. This made the requirements of Bagley-Keene Open Meeting Act (Bagley-Keene) active again, as enacted. Bagley-Keene requires committee members to be present (in-person) at the physical meeting location. Bagley-Keene also requires that a quorum of committee members be established at the physical meeting location. Mr. Cook informed the committee that a quorum was not established. The committee would be able to listen to the scheduled presentations and accept comments from the committee and public but would not be able to take action or vote on matters of business listed in the agenda.

Committee Members Present (In-person):

Steven Cook, RSA Advisory Committee Chairperson

Committee Members Present (Zoom):

Michelle Buran, Acme Scale Company

Lynn Carmichael, Traboh Inc., DBA Hobart Sales and Service

Tom Pisani, Butte County Department of Agriculture/Weights and Measures

Lucian Stacy, Left Coast Scales, LLC

Branden Woolley, Napa County Department of Weights and Measures

Committee Members Not in Attendance:

Samuel Bayless, California Fuels and Convenience Alliance

CDFA-DMS:

Samuel Ferris, CDFA-DMS Liaison to the RSA Advisory Committee

Presenters:

- Samuel Ferris - CDFA-DMS website orientation.
- Samuel Ferris - Bagley-Keene Open Meeting Act and what it requires.
- Steven Cook and Samuel Ferris - Differences between NIST Handbook 44 and the California Code of Regulations.
- Jason Phan - Survey results of minimum test weights and test loads used by the county offices of weights and measures and RSAs.
- Kevin Schnepf was unavailable to update the Committee regarding the update of the RSA database.
- Kristin Macey (CDFA-DMS Director) was unavailable to discuss the certification intervals of RSA standards.

Other Participants:

No one requested to provide comment(s).

C. APPROVAL OF PRIOR MEETING MINUTES

Since a quorum was not established, the vote to approve the minutes of the prior meeting was postponed until the next meeting when a quorum of in-person attendees may be established. The vote to approve the April 14, 2022 minutes has been deferred to the next meeting on May 24, 2022.

D. REPORTS AND INFORMATION (Informational)

1. CDFA-DMS website orientation presentation – During the last meeting Mr. Carmichael requested CDFA to provide study material for the proposed work of the subcommittee (task group). Mr. Ferris provided electronic hyperlinks and an overview of the CDFA-DMS webpage for California weights and measures laws, regulations, and the Field Reference Manual. Mr. Ferris explained that these resources can be used by committee members to reference certain differences between the requirements published in NIST Handbook 44 and those adopted in Title 4 of the California Code of Regulations (CCR). Members may use this information to determine whether differing requirements in CCR need to be harmonized with associated requirements in the current edition of NIST Handbook 44. Mr. Ferris also provided the committee with electronic hyperlinks and an overview of the webpages for NIST Handbook 44 and to NIST's Self-Study course for NIST Handbook 44.

2. Differences between NIST Handbook 44 and CCR presentation – Mr. Cook presented an overview of which requirements in NIST Handbook 44 are different than California regulation. Mr. Cook drafted a working document to track the paragraph designations that are different and will share that file with committee members.

3. Survey results of minimum test weights and test loads – Jason Phan shared the results of two surveys with the committee. The purpose of the surveys was to collect information from county offices of weights and measures and Registered Service Agencies (RSAs) on their use of minimum test weights and test loads as published in NIST Handbook 44, Section 2.20. Scales Code, Table 4 to conduct tests on scales used for commercial purposes. The survey results were attached to the agenda.

The summary of the county jurisdictions survey is as follows: All 55 counties jurisdictions participated; 51 of 55 (93%) of county jurisdictions own, have access to, or witness an RSA testing the scale using the minimum quantities of certified test weight; 4 county jurisdictions would need to acquire between 5,000 and 12,500 pounds to be compliant or choose to witness an RSA perform the test on certain scales.

The summary of the RSA survey is as follows: CDFA-DMS determined there were 198 RSAs that test scales in California; 81 of 198 (41%) of RSAs began the survey, but only 75 of 198 (38%) of RSAs completed the survey and submitted their answers to CDFA-DMS; 73 of 75 (97%) of RSAs own, or have access to the minimum quantities of certified test weight; 2 of 75 would need to acquire 200 and 270 pounds of certified test weight, respectively.

Lucian Stacey (Left Coast Scales) commented that these results support the idea of readopting the minimum test weights and test loads in regulation. Michelle Buran mentioned that only 37% of RSAs responded and asked if the data was still reliable. Samuel Ferris mentioned that those who participated accurately reflected the larger population of RSAs and that statistically, the data is reliable.

4. Update of the RSA database report – Kevin Schnepf (CDFA-DMS) was not available to report on this item. Mr. Cook postponed this item until the next meeting.

5. Information – Mr. Ferris provided an overview of the Bagley-Keene Open Meeting Act (Bagley-Keene) requirements enacted in Business and Professions Code (BPC) sections 11120-11133. Bagley-Keene went back into effect, as enacted, on April 1, 2022. Mr. Ferris informed the committee that in BPC section 11123.5, committee members are required to attend in-person at the physical location of the meeting and a quorum of committee members must be established in-person. Teleconferencing is optional and those committee members attending remotely may participate in discussions and place a vote by roll call if a quorum was first established. Mr. Ferris also informed the committee that the Legislature is currently considering Assembly Bill 1733 (Quirk, 2022) that, if enacted, will, among other things, remove the requirement for committee members to attend a meeting in-person at the physical location and it will remove the requirement that a quorum may only be established of members attending in-person.

6. Certification Intervals of RSA test standards information – Mrs. Macey (CDFA-DMS) was not available to report on this item. Mr. Cook postponed this item until the next meeting.

E. NEW BUSINESS (Discussion/Action by Committee)

Mr. Cook opened these items up for public comment and discussion. However, the committee was not able to vote on any of the agenda items because it did not establish a quorum.

1. Subcommittee. Mr. Cook and Mr. Ferris informed the committee of the complications with forming a subcommittee given that Bagley-Keene was back in full effect. It would require additional subcommittee meetings to be held in-person and made open to the public. Mr. Stacey asked what the differences were between the regular committee meetings versus subcommittee meetings. Instead, Mr. Ferris offered an alternative that each committee member research the differences between NIST Handbook 44 and CCR sections 4001 and the subsections of 4002 between now and the next meeting. That way discussion can be made among all members and the public during the next regular meeting without having a subcommittee meet more frequently. Mr. Cook commented that he will include his worksheet of differences between CCR and NIST Handbook 44 with the next meeting agenda to be used as a guide for committee members to reference.

2. More frequent meetings. Mr. Cook mentioned that the committee could meet more frequently, e.g., every two months, but at this time it would require more frequent travel to a physical location in order to conduct a meeting and establish a quorum of members attending in-person.

3. Time for certification of RSA Standards. Mr. Cook introduced this topic and opened it up for discussion. Tom Pisani (Butte Co. Weights and Measures) mentioned that the certification times of both county standards and RSA standards should be the same. Mr. Stacy claimed he has his test standards certified every year because other states that he does business in require recertification on an annual basis. David Boikin (NCR Corporation) commented that CDFA-DMS requires RSAs to submit their certifications on an annual basis and should be able to use those certifications to collect data about extending the RSA test standard certification time. Mr. Stacy said it is a matter of cost and availability to get test standards recertified. Several companies including Mettler-Toledo, Rice Lake Weighing, Sartorius and Troemner may provide calibrations of weights and also offer other calibrations services. He also claimed that RSAs use their test standards more often than counties, and even with them being used more, are not often out of calibration on an annual basis. Mr. Boikin agreed and mentioned his test standards are not often out of tolerance during recertification. Ms. Buran stated it was a business decision whether to use a private company or the state's metrology laboratory. Branden Woolley (Napa Co. Weights and Measures) suggested drafting a survey asking RSAs to provide their certification calibration information and find out what standards RSAs are using, e.g. small weight kits, or heavy mass standards, etc. Mr. Cook suggested postponing this item until Mrs. Macey can provide a presentation on the certification intervals of RSA test standards at the next meeting.

4. Certification of minimum test standards for counties in statute. Mr. Ferris shared Business and Professions Code sections 12310, 12310.5 and 12311 with the committee and mentioned these statutes may need to be changed by act of the Legislature if certification test times would be changed. Mr. Pisani pointed out that sections 12310 and 12311 pertain only to test standards owned by county sealers and do not include test standards owned by RSAs. The requirements for certifying RSA test standards are adopted in CCR Section 4086 and may be changed by CDFA through rulemaking. He again felt that the RSA certification interval should mirror that of the county.

F. NEXT MEETING AGENDA

Mr. Cook commented that the items on this agenda that the committee was not able to vote on would be carried over to the next agenda as voting items, including the meeting minutes of January 13, 2022, that still need to be approved by the committee. Mr. Cook asked the members if they would be able to attend the next meeting in-person. All members present agreed to attend in-person. Mr. Cook asked the committee when they would be available to schedule another meeting. Mr. Carmichael, Mr. Stacy, and Mr. Pisani all commented on holding another meeting in 3-4 weeks of early June. Mr. Ferris offered to send out a Doodle Poll for each member's availability.

G. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mr. Cook asked if any other items should be on the next agenda. Mr. Stacy asked for there to be further discussion of the "12.5%, 25,000-pound" requirement (referring to NIST Handbook 44, Section 2.20, Table 4 requirements for the use of minimum test weights and test loads used to test scales in the 40,001+ pound Device Capacity category). He stated that when a competitor did not use the required weight in Table 4, there was a 4,000-pound over-registering error testing a vehicle scale with a device capacity greater than 80,000 pounds. Mr. Pisani requested to further discuss Table 4 requirements, and Grain Inspection, Packers and Stockyards Administration (GIPSA) cattle scales. No other public comments were made.

H. ADJOURNMENT

Steven Cook adjourned this meeting at 11:44 a.m.

Respectfully submitted:

Samuel Ferris
Senior Environmental Scientist
CDFA-DMS Liaison to the RSA Advisory Committee