

Copy to Chris for  
3-30-98 Response

23RD DISTRICT  
ROGER A. MADIGAN

PLEASE REPLY TO:

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Senate of Pennsylvania  
October 16, 1998

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Honorable Samuel E. Hayes  
Secretary  
Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110

Dear Secretary Hayes:

My office recently received a copy of the notice of Proposed Rulemaking from the Department of Agriculture 70 PA Code Chapters 1-10, 23, 35, and 39 Weights, Measures, and Standards. Regarding Chapter 5 of the Proposed Rulemaking, addressing UPC Scanning Systems and PLU Devices, I would like to thank you for addressing the concerns outlined in my May 18, 1998 correspondence to you regarding this chapter.

In May, the Department was considering disallowing for self-inspection of UPC Scanning Systems and PLU Devices under a private certification program which is provided for in Act 155 of 1996. As the prime sponsor of this legislation, the legislative intent was to clearly permit the private sector to implement a private certification program and for self-inspection under this program. Self-inspection will be the key to the success of a private certification with the private sector working with your department to ensure the accuracy of these devices. I would like the Proposed Rulemaking to specifically allow for self-inspection under a private certification program. In addition, I strongly feel that Chapter 10, Section 10.5 subsection (c) should be deleted. UPC Scanning Systems and PLU Devices are not weighing and measuring devices, and therefore this section should be deleted.

I will continue to be very interested in the progress of the Proposed Rulemaking to permit for private certification program and self-inspection of UPC Scanning Systems and PLU devices when your department certifies individuals and employees. Ultimately, these private certification programs would be developed under your department's oversight and subject to its approval. I am pleased with the periodic updates I receive which show the progress being made between the department and the private sector.

Again, I would like to thank you for considering the concerns expressed in my May 18, 1998 correspondence on this subject. Should you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "Roger A. Madigan". The signature is written in a cursive style with a large, looping initial "R".

ROGER A. MADIGAN  
SENATOR