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November 24, 1998

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Honorable Samuel E. Hayes, Jr., Secretary
Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-1919

Dear Secretary Hayes: 

I wrote to you in May of this year expressing serious concern that, as the regulations were being developed for UPC and PLU scanning systems, certain limitations and prohibitions were to be imposed upon the private certification program provided for in the statute.

I am pleased that a review of Chapter 5 of the Proposed Rulemaking for Weights, Measures and Standards as published in the October 10, 1998 Pennsylvania Bulletin reveals that these potential limitations on private certification programs, specifically the prohibitions on self inspection or inspection by employees, have been eliminated.

Nonetheless, as there apparently continues to be some confusion over the issue, it is my recommendation that the proposed regulations be further refined to clearly establish that "in-house-" or "self-" inspection by a Certified UPC/PLU Inspector as part of a private certification program is permissible. There is no question that it was the intent of the legislature to permit the private sector to implement such a program and care should be taken to ensure that this is accurately reflected in the regulations. This merely parallels the role that a Certified Examiner of Weights and Measures may play with other device categories and there is no practical reason, nor provision in the statute, to treat scanning devices any differently.

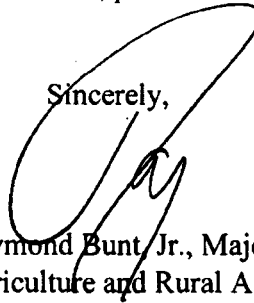
In addition, I have read with interest comments on the proposed regulations from other interested parties. It is obvious that entities such as Bitterman Scale Company and

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Precision Weight Scale Company have a detailed technical knowledge of weights and measures and I look forward to your response to their questions and recommendations. For this program to be successful a strong private-public partnership will be required and thus I feel it important to fully address their concerns in this regulatory process.

If I may be of additional assistance to you on this, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Bunt, Jr.', written over a large, light-colored oval scribble.

Raymond Bunt, Jr., Majority Chairman
Agriculture and Rural Affairs Committee

RB/ab

cc: ✓ Charles Bruckner, Director
Bureau of Weights and Measures