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# Senate Agriculture and Rural Affairs Committee



Senator Noah W. Wenger  
Acting Chairman

Room 281, Main Capitol Building • Harrisburg, Pennsylvania 17120-3036  
(717) 787-4420

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November 24, 1998

ORIGINAL: 1990

HARBISON

Charles M. Bruckner, Director  
Pennsylvania Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110

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Notebook

Dear Mr. Bruckner:

Thank you for taking the time to review my comments, submitted on behalf of the Senate Agriculture and Rural Affairs Committee, on the proposed rulemaking that would establish regulations required or authorized under the Consolidated Weights and Measures Act passed by the General Assembly as Act 155 of 1996. The act and these proposed regulations bring about a comprehensive reworking and consolidation of current law, as well as the addition of several chapters to 7 PA Code. This necessarily invokes a detailed examination of the proposed regulations by all interested parties.

It was clearly the legislature's intent, upon review of the enactment of Senate Bill 509, to allow for private sector development and implementation of private sector certification programs that could be utilized to satisfy the inspection requirements of this act. These programs would of course be developed under the direction of the department and subject to its approval. An overview of the proposal verifies that the department has successfully developed this objective through these regulations.

I feel compelled, however, to comment on section 4.3(a) (regarding the authority of a certified examiner of weights and measures (CEWM)) and section 5.2(c) (regarding the exemption for universal product code (UPC) scanning systems and price look up (PLU) devices inspected by a private certification program). Although the lack of preclusion in the act would imply its authorization, it is imperative that these sections specifically state that "in-house" inspections by the private sector do indeed fulfill the requirements of Act 155. Such a specification would serve to avoid future controversy and the ensuing obligation to revisit the regulations on this point.

Thank you for your consideration of my comments. Through our continued partnership, we will ensure the success of Act 155 for all interested and affected parties. Please do not hesitate to contact my office should you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Noah W. Wenger".

Noah W. Wenger  
State Senator

NWW/kjc