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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 8, 1999

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

Re: IRRC Regulation #2-111 (#1990)  
Department of Agriculture  
Weights, Measures and Standards

Dear Secretary Hayes:

The Independent Regulatory Review Commission approved the subject regulation at its April 8, 1999 public meeting. Our Order is enclosed and is available on our website at <http://www.irrc.state.pa.us>.

We appreciate the joint effort that went into producing a regulation that met the criteria and intent of the Regulatory Review Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Alvin C. Bush".

Alvin C. Bush  
Vice Chairman

ACB:kcg  
Enclosure  
cc: Charles Bruckner  
Paul Calvanelli

# INDEPENDENT REGULATORY REVIEW COMMISSION

14th Floor, 333 Market Street  
Harrisburg, PA 17101

Commissioners Present:

Public Meeting Held April 8, 1999

John R. McGinley, Chairman  
Alvin C. Bush, Vice Chairman  
Arthur Coccodrilli, dissenting  
Robert J. Harbison, III  
John F. Mizner

Department of Agriculture  
Weights, Measures and Standards

Regulation No. 2-111

## BY ORDER OF THE COMMISSION

On September 29, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking amends 70 Pa. Code Chapters 1 – 10, 21, 35, and 39. The authority for this regulation is the Consolidated Weights and Measures Act (3 Pa.C.S. §§ 4101 – 4194) (Act). The proposed regulation was published in the October 10, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 17, 1999.

The regulation implements the Act by incorporating comprehensive provisions. It includes provisions for testing and inspection of universal product code (UPC) scanners and price look up (PLU) devices by state inspectors, county or city sealers, or by private certification programs. The regulation also allows cities and counties the option to participate in a sealer program. Participation had previously been mandatory.

The regulation contains training and licensure requirements for inspectors of UPCs and PLUs and for Certified Examiners of Weights and Measures (CEWMs). It also contains registration, training, and reporting standards for sellers, installers and repairers of commercial weighing and measuring devices.

We have reviewed this regulation and find it to be in the public interest. The regulation establishes requirements consistent with the Act for all parties who seek Department certification as CEWMs and scanner inspectors. It will impact all businesses that commercially use weighing and measuring devices by insuring that inspections are completed annually.

### THEREFORE, IT IS ORDERED THAT:

1. Regulation No. 2-111 from the Department of Agriculture, as submitted to the Commission on March 17, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

  
Alvin C. Bush, Vice Chairman

