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

June 30, 2005

Honorable Dennis C. Wolff, Secretary  
Department of Agriculture  
211 Agriculture Building  
2301 North Cameron Street  
Harrisburg, PA 17110

Re: Regulation #8-9 (IRRC #2478)  
Department of General Services and Department of Agriculture  
General Provisions; Device Type Approval and State Metrology Laboratory

Dear Secretary Wolff:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman  
Executive Director

sfh

Enclosure

cc: Honorable Mike Waugh, Chairman, Senate Agriculture and Rural Affairs Committee  
Honorable Michael A. O'Pake, Minority Chairman, Senate Agriculture and Rural Affairs Committee  
Honorable Arthur D. Hershey, Majority Chairman, House Agriculture and Rural Affairs Committee  
Honorable Peter J. Daley, II, Democratic Chairman, House Agriculture and Rural Affairs Committee  
Honorable James P. Creedon, Acting Secretary, Department of General Services

# **Comments of the Independent Regulatory Review Commission**

**on**

## **Department of General Services and Department of Agriculture Regulation #8-9 (IRRC #2478)**

### **General Provisions; Device Type Approval and State Metrology Laboratory**

**June 30, 2005**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Department of General Services (DGS) and the Department of Agriculture (Department) must respond to these comments when the final-form regulation is submitted. The public comment period for this regulation closed on May 31, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

#### **1. Section 110.2 – State Metrology Laboratory fee schedule. – Clarity.**

##### *Subsection (b)*

Section 4178 of Act 155 of 1996 (Act) exempts agencies of the Commonwealth, cities and counties from paying fees associated with calibration, evaluation and other testing procedures done by the State Metrology Laboratory as outlined in this regulation. Subsection (b) of this section repeats the exemption found in Section 4178 of the Act for cities and counties, but does not include the exemption for agencies of the Commonwealth.

To be consistent with Section 4178 of the Act, the exemption for Commonwealth agencies should be added to this subsection.

##### *Subsection (d)*

This subsection requires a deposit to be submitted when a testing request is made. DGS staff has indicated that the required deposit of the estimated fee for testing services is non-refundable. Therefore, this subsection should clarify that the deposit is non-refundable.

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### Facsimile Cover Sheet

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333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

**To:** Secretary's Office  
**Agency:** Department of General Services  
**Phone:** 7-5996  
**Fax:** 2-2026 5317  
**Date:** June 30, 2005  
**Pages:** 3

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**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the Department of General Service's regulation #8-9 (IRRC #2478). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through Interdepartmental mail. You should expect delivery in a few days. Thank you.

Received  
Accepted by: Tracy Donahue Date: 6/30/05