

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

SECTION I: PROFILE

(1) Agency:

Department of General Services

(2) Agency Number: 08

Identification Number: 14

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IRRC Number: 2798

(3) Short Title:

Metrology Calibration and Testing Fees

(4) PA Code Cite:

70 Pa. Code § 110.2

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: Michael C. Barrett, Department of General Services, (717) 346-9781

Secondary Contact: Gary Ankabrandt, Department of General Services, (717) 783-1982

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
 - Certification by the Governor
 - Certification by the Attorney General

Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The regulation amends the State Metrology Laboratory schedule of fees that the Department of General Services will charge for metrology laboratory calibration, type evaluation and other services performed by the Laboratory.

(9) Include a schedule for review of the regulation including:

- | | |
|---|-------------------------|
| A. The date by which the agency must receive public comments: | <u>11/15/2009</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>Upon Publication</u> |
| D. The expected effective date of the final-form regulation: | <u>Upon Publication</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>Upon Publication</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(10) Provide the schedule for continual review of the regulation.

Fees will be reviewed annually and the regulation will be revised as needed.

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SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

Act of Dec. 18, 1996, P.L. 1028, No. 155, 3 Pa.C.S. §§ 4110, 4178 and 4190 (the Act).

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Yes, section 4178 of the Act provides that the Department of General Services shall charge and collect fees for metrology laboratory calibration, type evaluation, and any other testing services, and shall establish the fees by regulation.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation will allow the Commonwealth to charge an appropriate fee for the services provided, thus ensuring that the cost of performing these testing services is borne by the parties who are receiving the services and not by the taxpayers.

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(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

Portions of the National Conference of Standards Laboratories International 2008 State Laboratory Program Workload Survey, which are attached.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighing and measuring devices will be charged fees according to the proposed fee schedule for services previously provided free of charge. Last year the Laboratory provided approximately 991 services including services to approximately 414 private persons, who would be charged fees under the proposed rulemaking. Based upon last year's data, the annual expense to each private person should average less than \$302 under the proposed fee schedule.

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighing and measuring devices must be registered under the Act and the accuracy of their field standards must be certified annually.

Regulatory Analysis Form

SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The estimate of fees that would be charged annually to the regulated community under the new fee schedule is \$125,000.00. The estimated annual fees for each user average \$302.00 (\$125,000/414).

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no new costs or savings to local governments associated with compliance with the proposed regulation.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There would be no new costs to state government. The estimated annual revenue to state government from the fees is \$125,000.00 which is an increase over fiscal year (through May) 2008 revenue of \$64,520.82.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
Local Government						
State Government						
Total Costs	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Metrology Lab	\$252,272.48	\$345,616.17	\$368,115.86	\$368,115.86

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(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The Commonwealth will benefit from the additional revenue that the fees will generate. Failure to adopt regulations will prevent the Commonwealth from charging and collecting the appropriate fee for these services.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

The proposed fee schedule is based upon a survey of similar fees charged by approximately 14 other states conducted by the DGS Bureau of Purchases.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

None.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

Not applicable.

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(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

The proposed fee schedule is based upon a survey of similar fees charged by approximately 14 other states conducted by the DGS Bureau of Purchases, and the proposed fees are in line with fees charged by those states. In that the users of the Lab's services are in Pennsylvania, there is no impact or affect on Pennsylvania's ability to compete with other states.

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

No legal, accounting or consulting procedures, or additional reporting, recordkeeping or other paperwork, will be required for implementation of the regulation beyond the paperwork requirements already imposed on DGS to record the services performed, issue invoices, and collect amounts invoiced.

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(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Not applicable.

CDL-1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)**

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IRRC
2010 SEP 27 A 11: 06**

DO NOT WRITE IN THIS

Copy below is hereby approved as to form and legality. Attorney General

Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is hereby approved as to form and legality. Executive or Independent Agencies.

(DEPUTY ATTORNEY GENERAL)

Department of General Services

(AGENCY)
LEGAL COUNSEL: *[Signature]*

DOCUMENT/FISCAL NOTE NO. 008-014

DATE OF ADOPTION: _____

BY: *[Signature]*

TITLE SECRETARY, DEPARTMENT OF GENERAL SERVICES
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[Signature]

BY: Andrew C. Clark
Deputy General Counsel

SEP 15 2010

DATE OF APPROVAL

(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable
Copy not approved. Objections attached.

Check if applicable. No Attorney General approval or objection within 30 days after submission.

SPACE

NOTICE OF FINAL-FORM RULEMAKING

DEPARTMENT OF GENERAL SERVICES

**GENERAL PROVISIONS,
DEVICE TYPE APPROVAL AND
STATE METROLOGY LABORATORY
[70 PA. CODE CHAPTER 110]**

The Department of General Services (DGS) adopts revised fees for testing services performed by the State Metrology Laboratory by amending PDA's current regulations at 70 Pa. Code § 110.2 (relating to State Metrology Laboratory fee schedule), as set forth in Annex A.

Statutory Authority

The final-form rulemaking is made under the authority of the Consolidated Weights and Measures Act (3 Pa.C.S. §§ 4101-4194) (Act). Section 4178 of the Act requires that DGS establish, by regulation, fees for metrology laboratory calibration, type evaluation and other testing services. 3 Pa.C.S. § 4178. At 3 Pa.C.S. § 4190, the Act provides PDA authority to regulate as necessary to implement the Act.

Purpose of the Regulation

The final-form regulation fulfills the statutory requirement that DGS establish, charge and collect the fees described in the Act (in § 4178). Currently, the State Metrology Laboratory (Laboratory) provides these services based upon a fee schedule established over five years ago, and promulgated in 2005. The regulation is necessary to comply with the Act. The regulation will ensure that taxpayer dollars are not used to pay for testing by the Laboratory when user fees are statutorily authorized and required.

Notice of proposed rulemaking was published 39 Pa.B. 5921 (October 10, 2009). Publication was followed by a 30-day public comment period during which DGS did not receive any comments. The Senate State Government Committee and the House State Government Committee had not comments. The Independent Regulatory Review Committee (IRRC) did not have any formal comments, but requested that the support for the revised fees be submitted in the formal of a fee analysis form, which is included with this final-form regulation.

Comments and Responses

Other than the request to include the fee analysis form referenced above, there were no comments received from anyone regarding the proposed regulation. Consequently, the final-form regulation has not changed from the proposed regulation.

Fiscal Impact

Commonwealth: The estimated annual revenue to the Commonwealth (DGS) from the proposed regulation is approximately \$125,000. The proposed regulation should not result in additional costs to the Commonwealth.

Public Sector: No other government entity will incur any costs or realize any savings.

General Public: The proposed regulation will impose no costs and have no fiscal impact upon the general public.

Affected Businesses: The affected businesses, which use Laboratory services will have to pay the fees set in the proposed regulation. The anticipated average fee per user is estimated to be \$302.00.

Paperwork Requirements

The proposed regulations will not result in an increase in paperwork for the Laboratory, which already is required to issue invoices, collect payments and transmit payments the State Treasury. Similarly, pursuant to § 4193(c) (relating to disposition of funds) of the Act, the Treasury Department will have no increase in paperwork.

Effective Date

The final-form regulation will take effect upon publication in the *Pennsylvania Bulletin* as final-form regulation.

Additional Information

Individuals who need information about the final-form rulemaking should contact Michael C. Barrett, Senior Counsel, Office of Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17125 (717) 346-9781.

Regulatory Review

Under § 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 29, 2009 the Department of General Services submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC). On that same date the Department of General Services submitted a copy to the Chairpersons of the House Committee on State Government and the Senate Committee on State Government.

This final-form rulemaking was approved by the House State Government Committee on _____ and approved by the Senate State Government Committee on _____. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____ and approved the final-form regulations.

Findings

The Department of General Services finds:

- (1) Public notice of intention to adopt this final-form rulemaking has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa.Code §§ 7.1 and 7.2.
- (2) The final-form rulemaking adopted by this order is necessary and appropriate for the performance of the Department's duties under the Administrative Code of 1929.

Order

The Department of General Services, acting under the authorizing statutes, orders that:

- (a) The regulations relating to Weights, Measures and Standards are amended by revising the fees in § 110.2 as set forth in Annex A of this Order.
- (b) The Secretary of the Department of General Services shall submit this order and Annex A to the Office of Attorney General for approval as to legality and form as required by law.
- (c) The Secretary of the Department of General Services shall certify and deposit this order and Annex A with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.



JAMES P. CREEDON
Secretary, Department of General Services

Annex A

TITLE 70. WEIGHTS, MEASURES AND STANDARDS

PART V. STATE METROLOGY LABORATORY

CHAPTER 110. GENERAL PROVISIONS

§110.2. State Metrology Laboratory fee schedule

(c) *Schedule of Fees.* The State Metrology Laboratory shall charge the following fees for the indicated testing services:

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Precision mass	Up to ASTM E 617 Class 2 or best calibration but not to a specific class to and including 30 kg. or 50 lb.	\$30.00 per weight
Precision mass	ASTM E617 Class 3 and 4 and OIML Class F1 and F2 to and including 30 kg. or 50 lb.	[\$12.00] <u>30.00</u> per weight
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6, 7 and OIML Class M1, M2 and M3 to and including 5 kg. or 10 lb.	[\$2.00] <u>6.00</u> per weight (without adjustment) \$10.00 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 10 kg. or 20 lb. to 50 kg. or 100 lb.	[\$5.00] <u>10.00</u> per weight (without adjustment) [\$10.00] <u>20.00</u> per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 100 kg. or 200 lb. to 2500 kg. or 5500 lb.	[\$15.00] <u>20.00</u> per weight (without adjustment) [\$25.00] <u>40.00</u> per weight (with adjustment)

		adjustment)
Ordinary mass	Weight Carts	[\$50.00] <u>210.00</u> per cart
Volume transfer	5 gallon/20 liter test measures	[\$15.00] <u>45.00</u> per measure (includes adjustment)
Volume transfer	10 gallon to 50 gallon	[\$50.00] <u>150.00</u> per prover (includes adjustment)
Volume transfer	51 to 100 gallon	\$150.00 per prover (includes adjustment)
Volume transfer	Greater than 100 gallon	\$150.00 plus [\$50.00 per each additional 100 gallons or fractions thereof] <u>\$ 1.00 per each additional gallon over 100 gallons</u>
Gravimetric Calibrations	Metal Test Measures to 5 gallon or 20 liters or 1 cubic foot	[\$35.00] <u>180.00</u> per item
Length Calibrations	Metal Tapes or Rules	\$15.00 per point tested
Timing Devices	Stopwatches	\$30.00
Wheel Load Weighers		[\$6.00] <u>20.00</u> per scale
Special Tests		\$75.00 per man-hour

FEE REPORT FORM

Agency: DGS

Date: July 1, 2010

Contact: Michael Barrett, Senior Counsel
Department of General Services

Phone: 717-346-9781

Fee Title, Rate and Estimated Collections:

Metrology Laboratory Fees: See attached fee schedule (Attachment 1)

Estimated Annual Revenue: \$125,000.00

Fee Description:

The fee will be charged to private non-governmental users of various measuring devices requiring calibration and/or standardization.

Fee Objective:

The fees are intended to offset a portion of the identifiable costs incurred by the Department of General Services State Metrology Laboratory's operating costs associated with the conduct of testing and verification.

Fee-Related Activities and Costs:

See attached Personnel Cost Chart (Attachment 2).

Analysis, Comment and Recommendation:

It is recommended that the revised fees reflected in the attached chart be established as the fees for the services provided.

These fees are calculated to recoup as much of the actual costs incurred in conducting the testing, while taking into account the reality of potential competition from similar testing facilities in the surrounding states. Fees which would recoup 100% of the actual costs would be prohibitively high when compared to those charged in neighboring states. Since there is no requirement that measuring devices used by Pennsylvania business entities be calibrated by Pennsylvania laboratories, excessive fees would only serve to drive vendors to similar facilities in Maryland, New Jersey, Ohio, New York and Delaware. The proposed fees are in line with fees charged by metrology facilities in those states, but allow for the recovery of a greater percentage of the actual costs than is accomplished with the current fee schedule. See Attachment 3 (excerpt from the National Conference of Standards Laboratories International 2008 State Laboratory Program Workload Survey).

General type of test	Description	Fee (Proposed Changes Highlighted)
Precision mass	Up to ASTM E 617 Class 2 or best calibration but not to a specific class to and including 30 kg. or 50 lb.	\$30 per weight No Change
Precision mass	ASTM E617 Class 3 and 4 and OIML Class F1 and F2 to and including 30 kg. or 50 lb.	\$12 per weight \$30 per weight
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6, 7 and OIML Class M1, M2 and M3 to and including 5 kg. or 10 lb.	\$2 per weight (without adjustment) \$6 per weight (without adjustment) \$10 per weight (with adjustment) \$10 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 10 kg. or 20 lb. to 50 kg. or 100 lb.	\$5 per weight (without adjustment) \$10 per weight (without adjustment) \$10 per weight (with adjustment) \$20 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 100 kg. or 200 lb. to 2500 kg. or 5500 lb.	\$15 per weight (without adjustment) \$20 per weight (with adjustment) \$25 per weight (with adjustment) \$40 per weight (with adjustment)
Ordinary mass	Weight carts	\$50 per cart \$210 per cart
Volume transfer	5 gallon/20 liter test measures	\$15 per measure (includes adjustment) \$45 per measure (includes adjustment)
Volume transfer	10 gallon to 50 gallon	\$50 per prover (includes adjustment) \$150 per prover (includes adjustment)
Volume transfer	51 to 100 gallon	\$150 per prover (includes adjustment) \$150 per prover (includes adjustment)
Volume transfer	Greater than 100 gallon	\$150 plus \$50 per each additional 100 gallons or fractions thereof \$150 plus \$1 per each additional 1 gallon over 100 gallon
Gravimetric calibrations	Metal test measures to 5 gallon or 20 liters or 1 cubic foot	\$35 per item \$180 per item
Length calibrations	Metal tapes or rules	\$15 per point tested No Change

Timing devices Stopwatches

\$30

~~No Change~~

Wheel load
weighers

\$6 per scale

~~\$20 per scale~~

Special tests

\$75 per man-hour

~~No Change~~

PERSONNEL COSTS FOR METROLOGY LAB

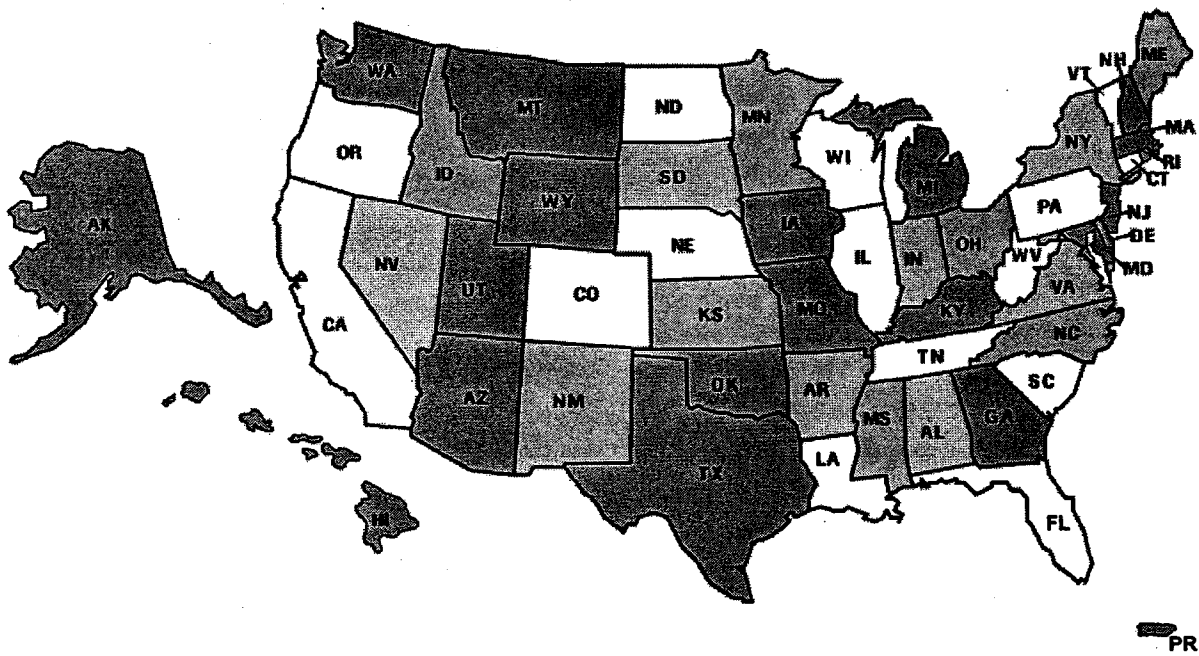
	<u>2008-09</u>	<u>2009-10</u>
Laboratory Supervisor	\$55,886.63	\$55,886.63
Metrologist 1	\$47,318.78	\$51,558.75
Metrologist 2	\$47,318.78	\$52,116.30
Metrologist 3	\$45,515.63	\$48,741.30
Metrologist 4	\$42,942.83	\$47,703.83
TOTAL SALARIES	\$238,982.65	\$256,006.81
BENEFITS:		
RATE	\$31,000.85	\$33,375.65
FIXED	\$75,407.43	\$73,653.03
TOTAL BENEFITS	\$106,408.28	\$107,028.68
LEAVE PAYOUT	\$225.24	\$5,080.37
TOTAL COSTS	\$345,616.17	\$368,115.86

We pay 2% of salary for leave payouts. This started in the end of fy 2008-09.

2008

State Laboratory Program Workload Survey

Summary Graphs and Data



Fees for 2008

Description

This information would be valuable for those labs that are attempting to implement fees for the first time and also to those labs that may be in the process of amending their fees. The next seven pages contain eight graphs. In the past surveys the fee schedule or hourly rate that each lab provided was used to calculate the fees for certain routine work. However a problem arises when using hourly rates. The time it takes to calibrate a particular artifact will vary from state to state depending on weight handling equipment, balances, experience and number of employees. Another factor is that while one state may track the total time it takes to log in, unpack, test, re-pack, and log out an item, another state may only track the actual time required to complete the test. In an attempt to gain more accurate information, we asked each lab to quote the typical fee that they would charge for the various routine calibrations. The fees indicated are typical. Actual fees charged may differ from those indicated.

Oklahoma, North Carolina, and Georgia have provisions for charging double their normal fee for out-of-state customers.

Hawaii and Wyoming are the only active laboratories that do not charge fees. Hawaii is currently in the process of adopting fees.

Mass Echelon I - Class 0 Precision Weight Kit for 2008

Description

The top graph represents the fees charged for calibrating a Class 0 precision weight kit containing 21 individual weights from 100 gram down to 1 milligram using Mass Echelon I procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2004	15	\$617.87	--
2006	16	\$758.75	+ 23 %
2008	14	\$700.07	- 8 %

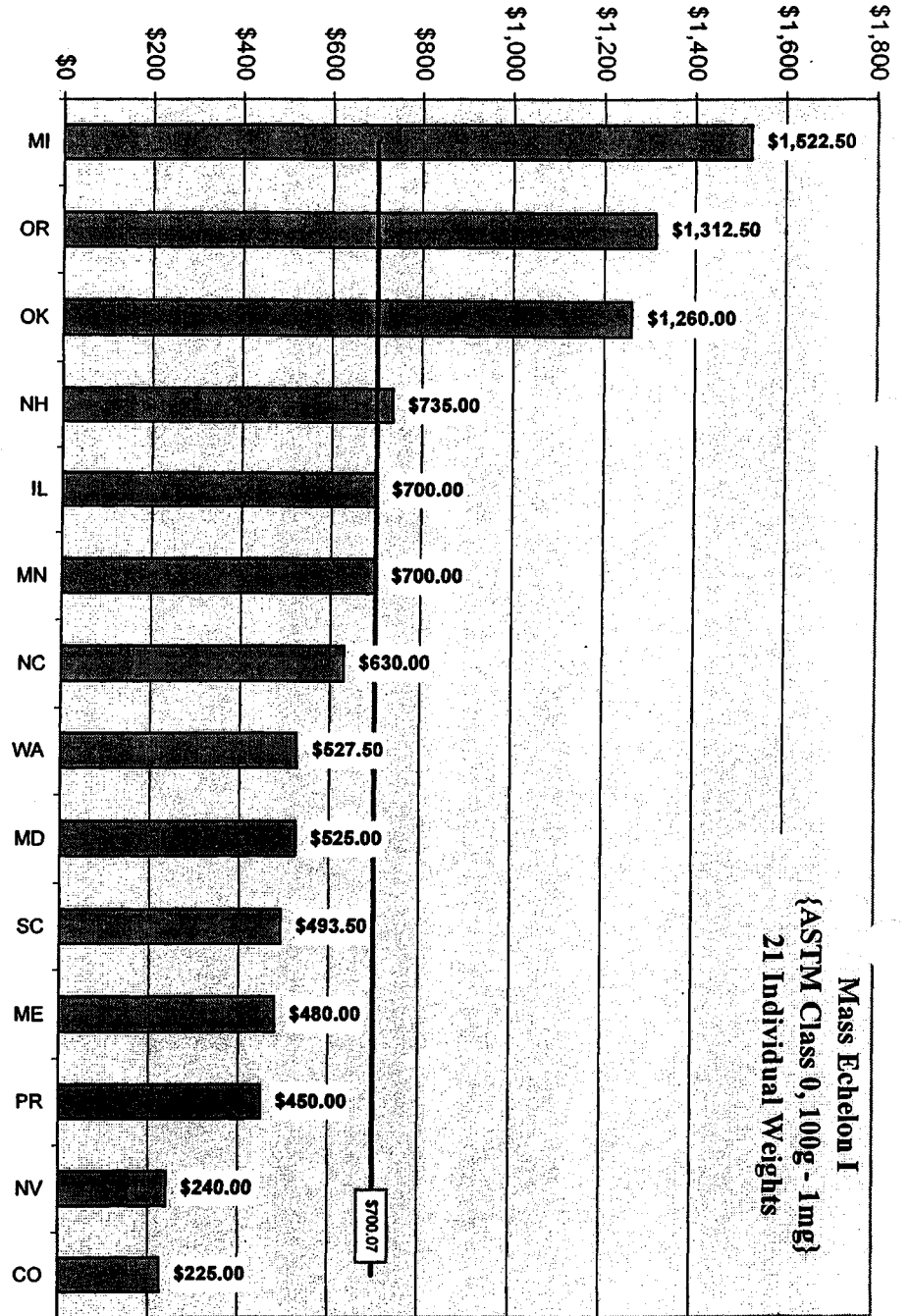
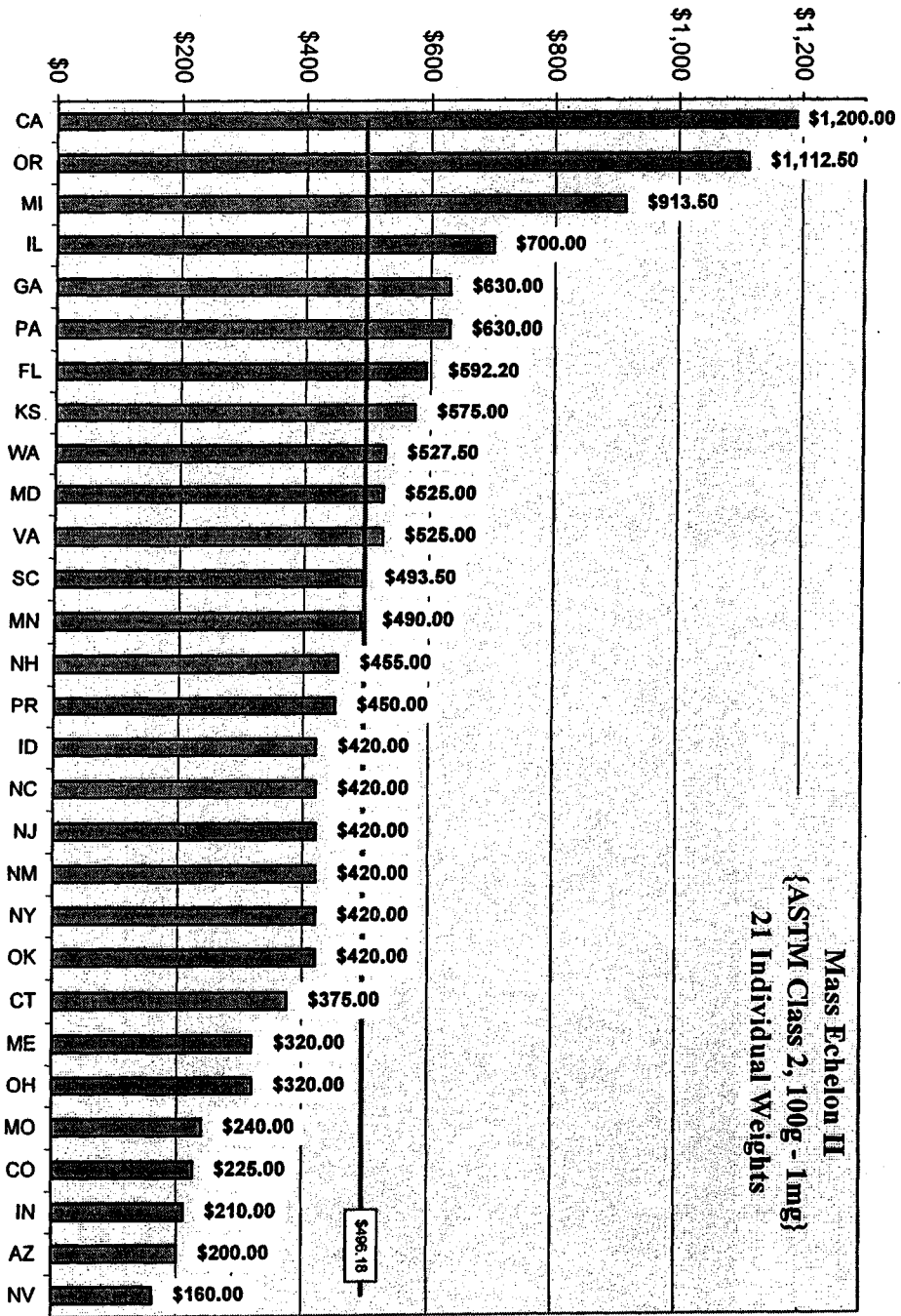
Mass Echelon II - Class 2 Precision Weight Kit for 2008

Description

The bottom graph represents the fees charged for calibrating a Class 2 precision weight kit that contains 21 individual weights from 100 gram down to 1 milligram using Mass Echelon II procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2000	33	\$334.00	--
2002	39	\$414.32	+ 24 %
2004	30	\$431.43	+ 4 %
2006	31	\$482.87	+ 12 %
2008	29	\$496.18	+ 3 %



**Mass Echelon III - Class F Weight Kit for 2008
{31 lb kit} 22 Individual Weights**

Description

The top graph represents the fees charged for calibrating a Class F weight kit that contains 22 individual weights using Mass Echelon III procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2000	36	\$77.00	--
2002	41	\$94.99	+ 23 %
2004	38	\$121.13	+ 28 %
2006	42	\$135.64	+ 12 %
2008	44	\$156.93	+ 15 %

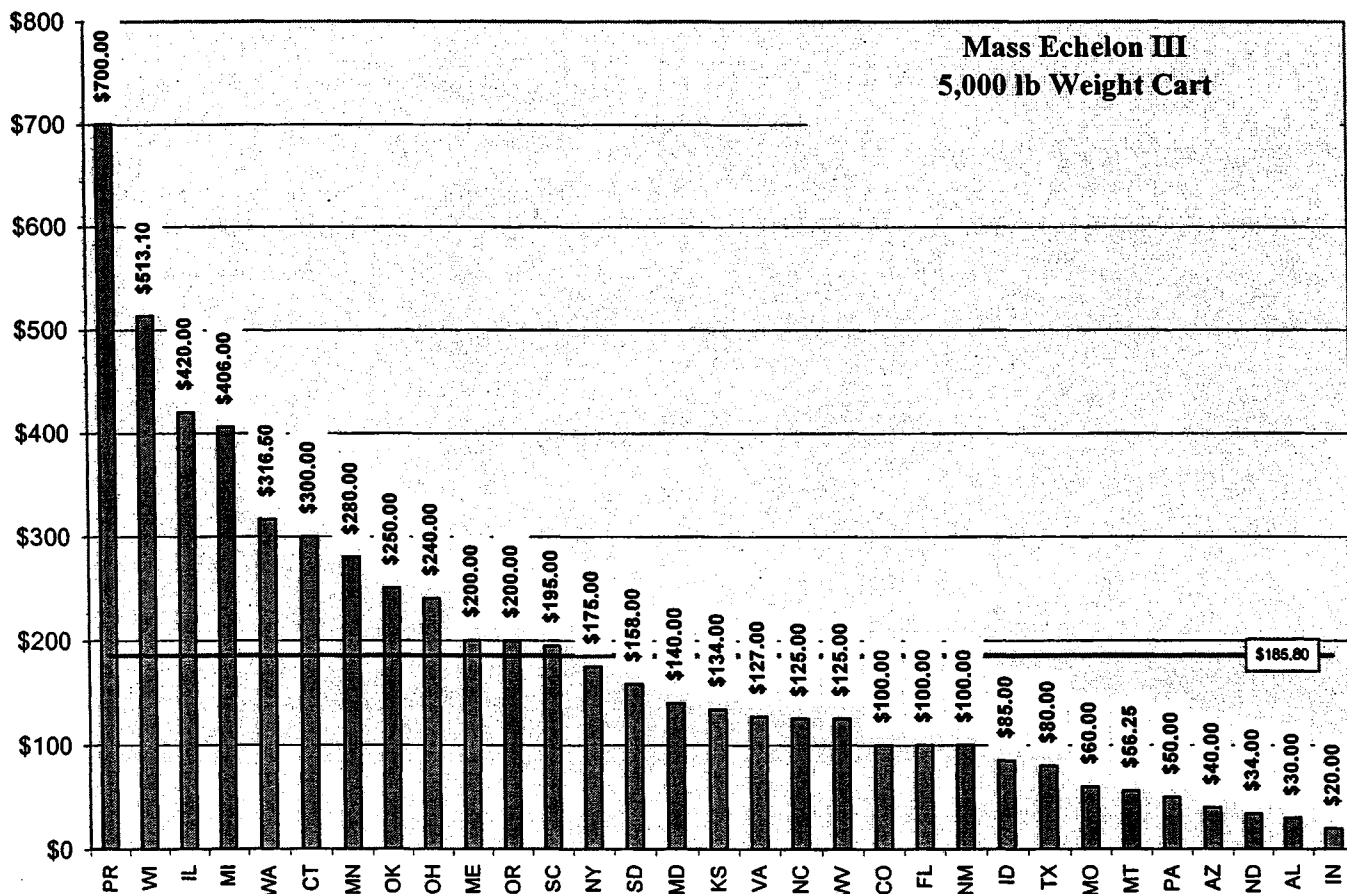
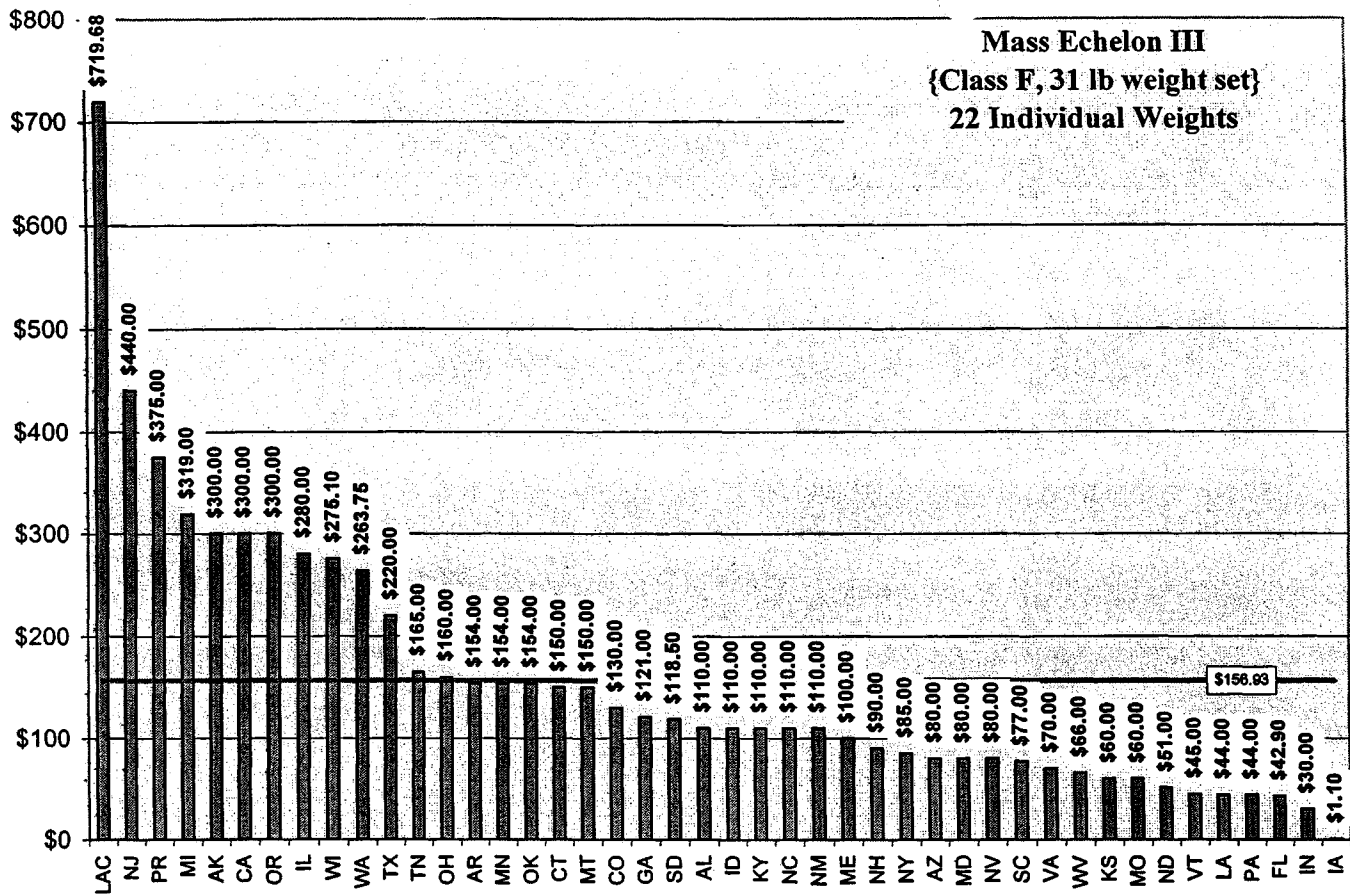
Mass Echelon III - 5000 lb Weight Cart for 2008

Description

The bottom graph represents the fees charged for calibrating a 5000 lb weight cart using Mass Echelon III procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2004	28	\$163.27	--
2006	31	\$205.74	+ 26 %
2008	31	185.80	- 10 %



Mass Echelon III - Class F Typical Scale Truck for 2008
24 – 1000 lb (5 adjusted)
20 – 50 lb (5 adjusted)
2 – 31 lb Weight Kits (22 weights each)

Description

The top graph represents the fees charged for calibrating a typical scale truck using Mass Echelon III procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2004	39	\$1,050.56	--
2006	43	\$1,060.77	+ 1 %
2008	42	\$1,300.30	+ 23 %

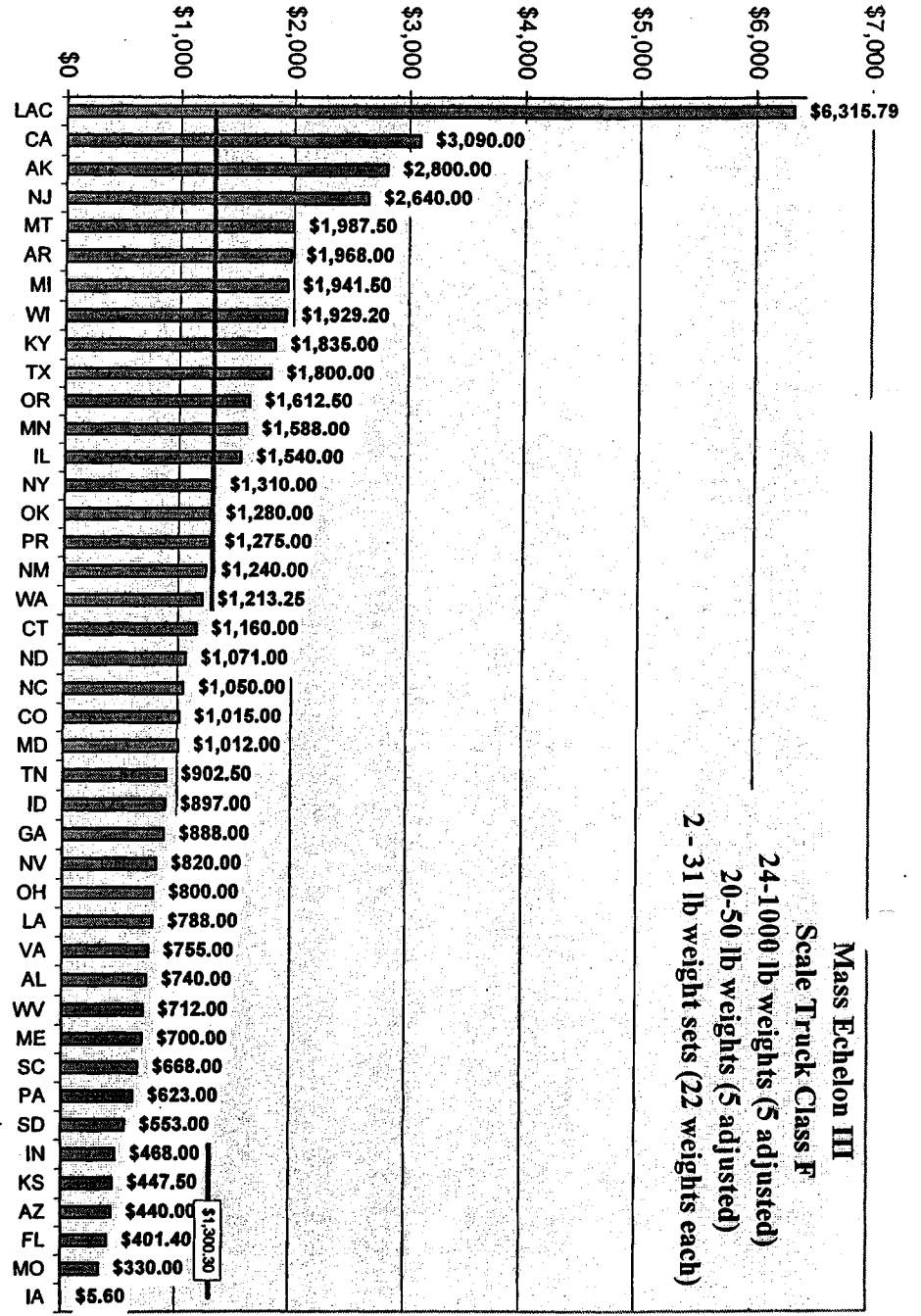
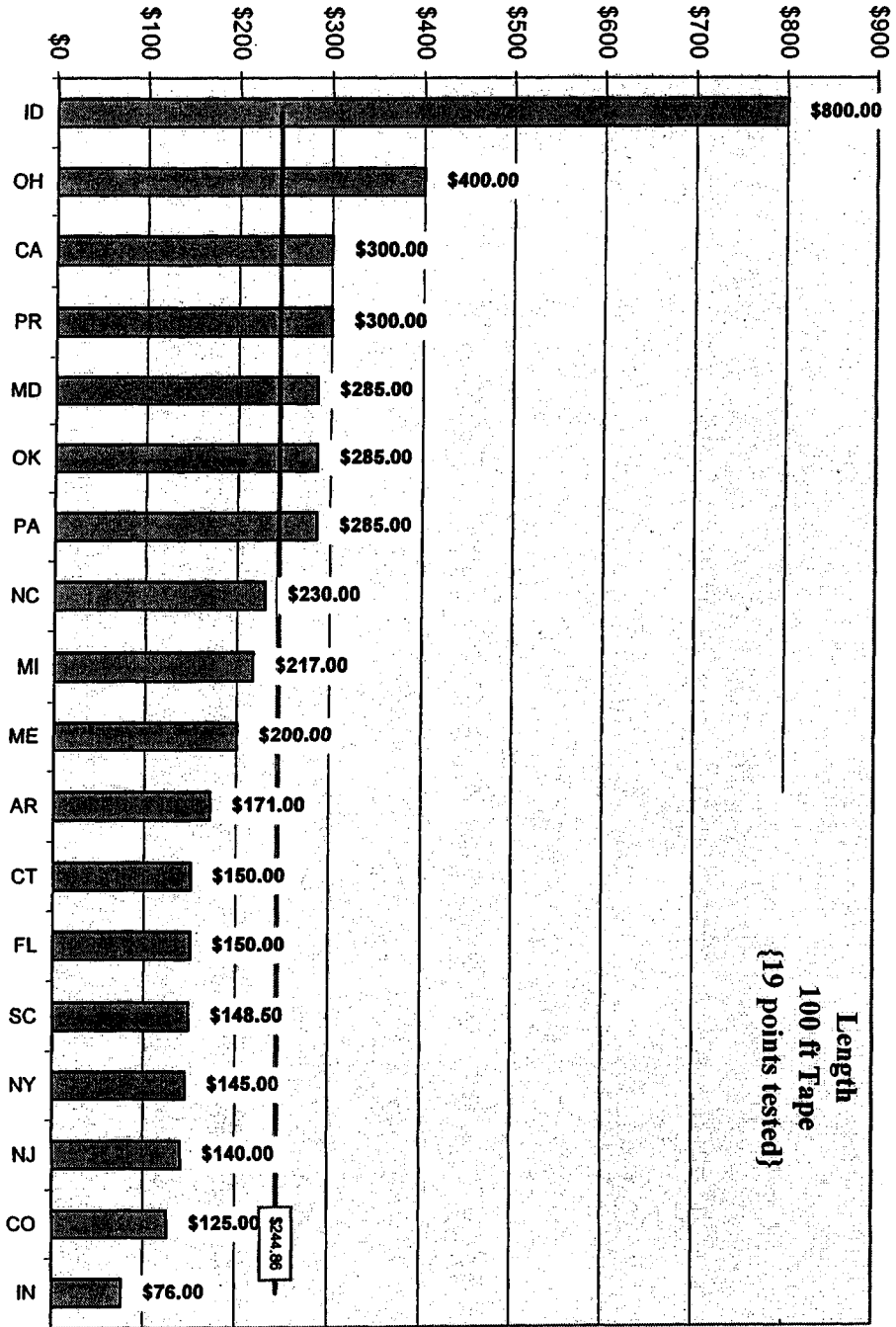
100 foot Tape for 2008
19 Points Tested

Description

The bottom graph represents the fees charged for a 100 foot steel tape that contained 19 points to be calibrated.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2000	33	\$133.00	--
2002	36	\$173.07	+ 30 %
2004	22	\$250.89	+ 45 %
2006	22	\$261.23	+ 4 %
2008	18	\$244.86	- 6 %



5 Gallon Test Measure – Volume Transfer for 2008

Description

The top graph represents the fees charged for calibrating a 5 gallon test measure using volume-transfer procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2000	35	\$35.00	--
2002	41	\$41.46	+ 18 %
2004	39	\$42.06	+ 1 %
2006	43	\$43.93	+ 4 %
2008	43	\$56.89	+ 30 %

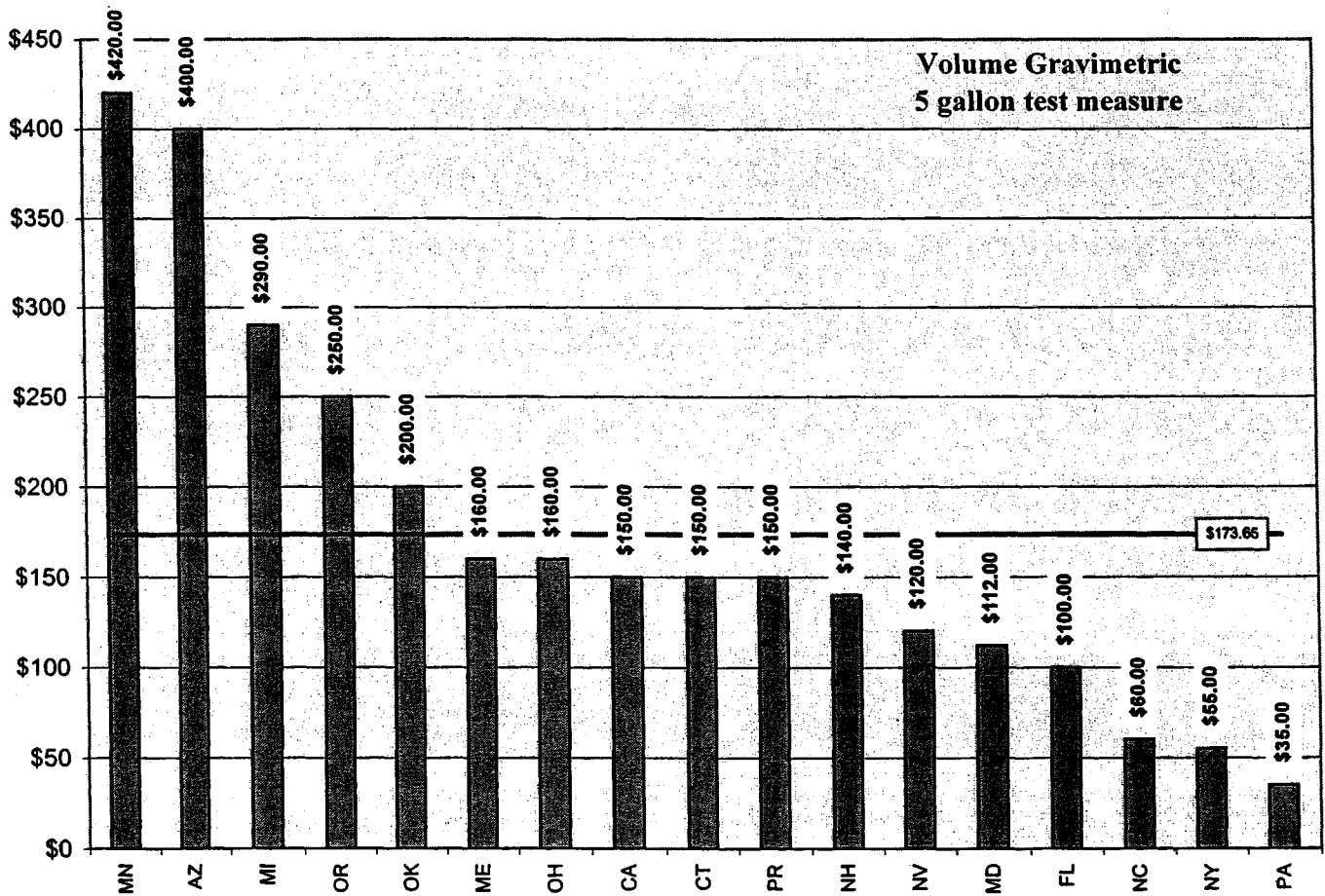
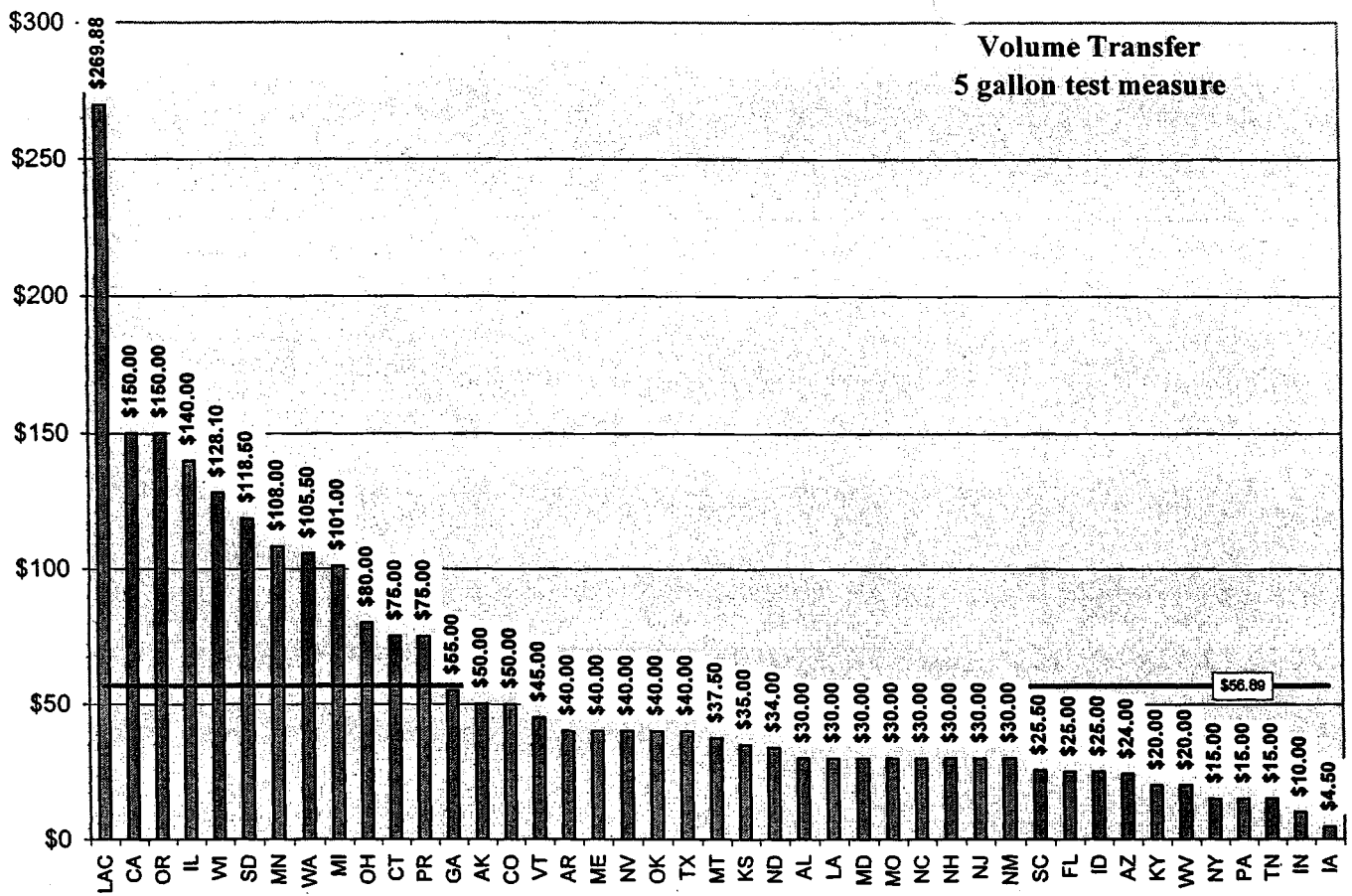
5 Gallon Test Measure – Volume Gravimetric for 2008

Description

The bottom graph represents the fees charged for calibrating a 5 gallon test measure using volume-gravimetric procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2006	20	\$177.95	--
2008	17	\$173.65	- 2 %



100 Gallon Prover – Volume Transfer for 2008

Description

The top graph represents the fees charged for calibrating a 100 gallon prover using volume-transfer calibration procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2000	35	\$108.00	--
2002	40	\$125.19	+ 16 %
2004	35	\$138.73	+ 11 %
2006	37	\$145.32	+ 5 %
2008	36	\$191.83	+ 32 %

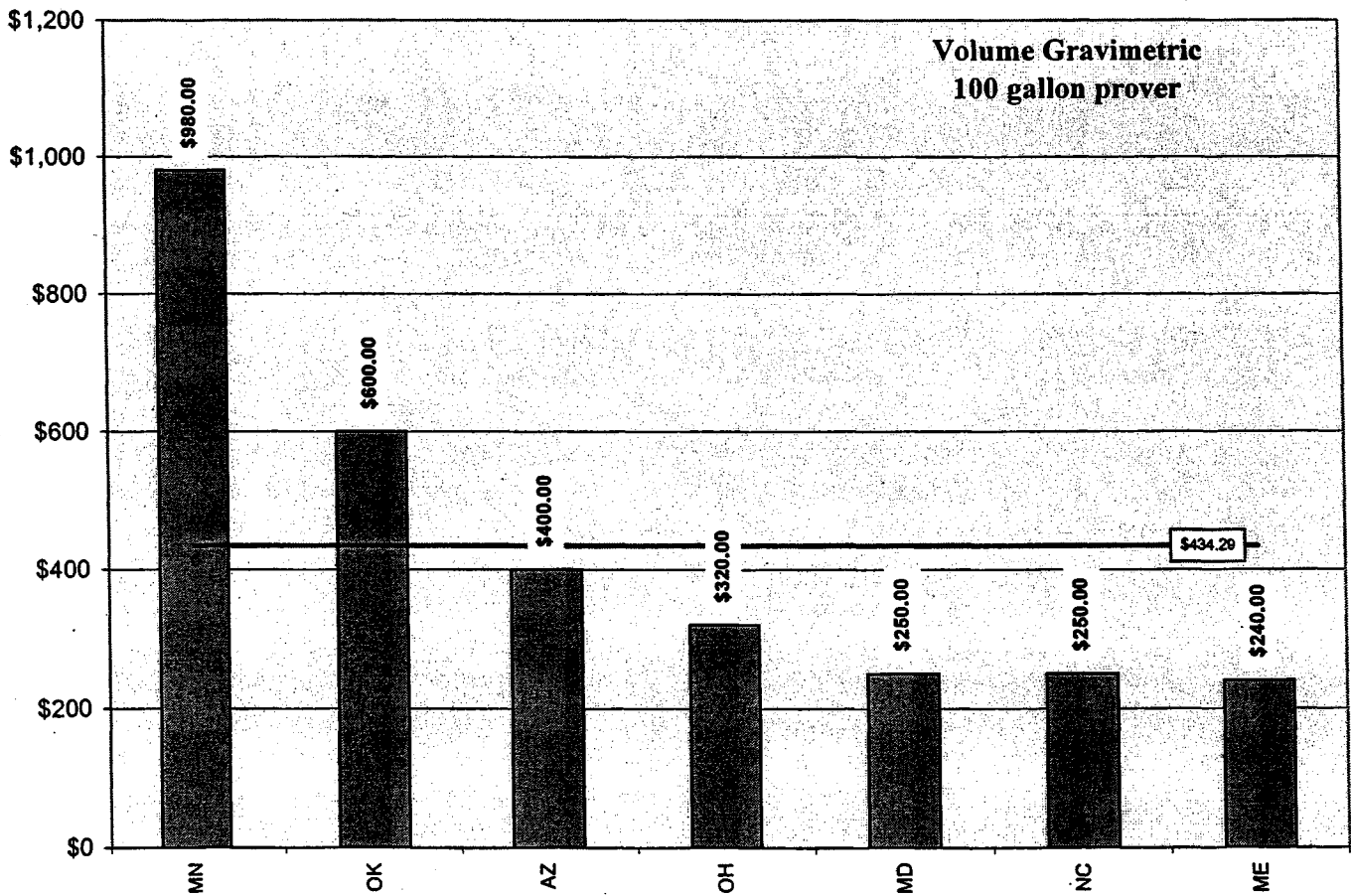
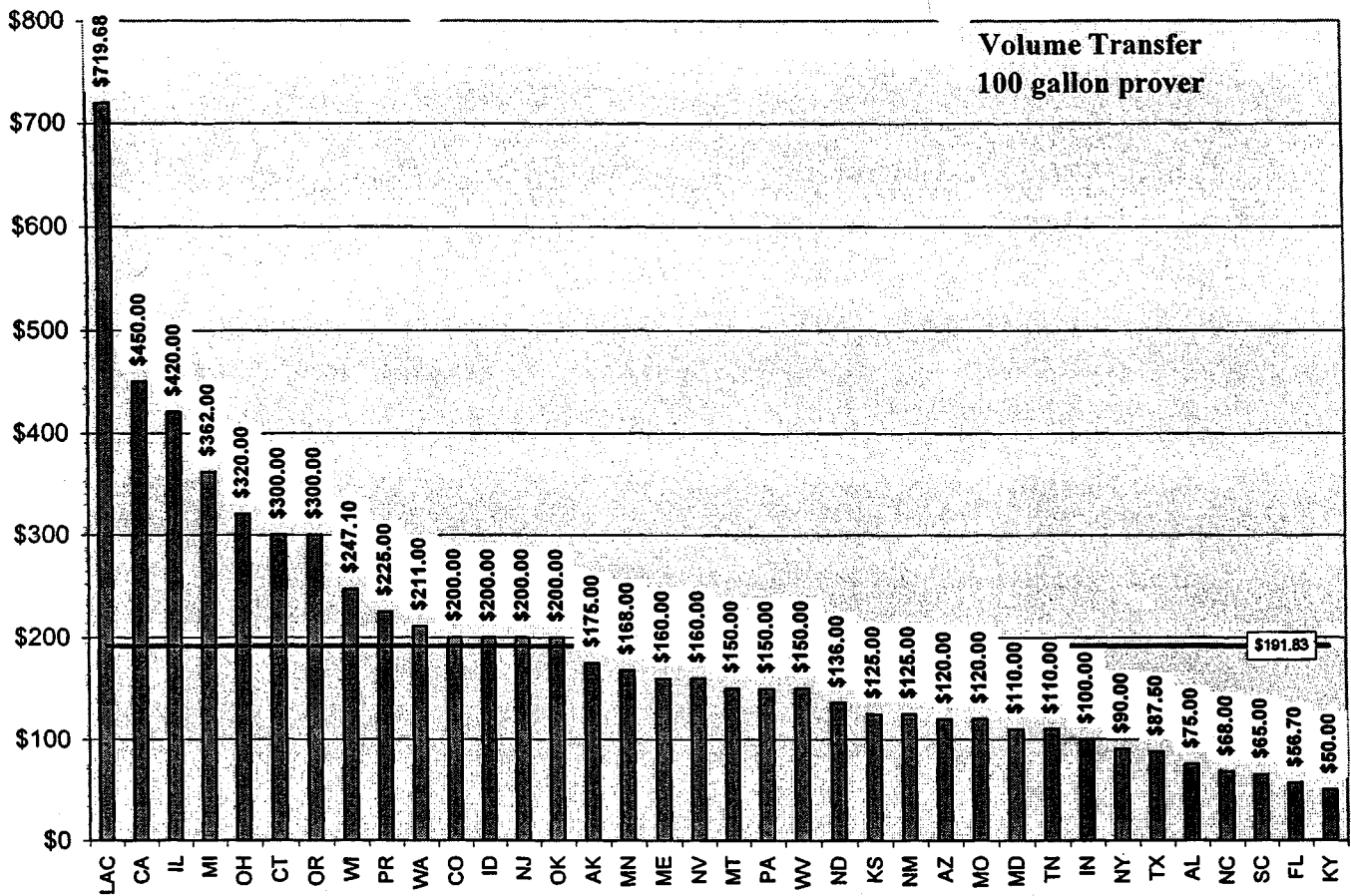
100 Gallon Prover – Volume Gravimetric for 2008

Description

The bottom graph represents the fees charged for calibrating a 100 gallon prover using volume-gravimetric calibration procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2006	4	\$265.00	--
2008	7	\$434.29	+ 64 %



20 Gallon SVP – Volume Transfer for 2008

Description

The top graph represents the fees charged for calibrating a 20 gallon SVP using volume-transfer calibration procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2006	3	\$113.33	--
2008	2	\$123.75	+ 9 %

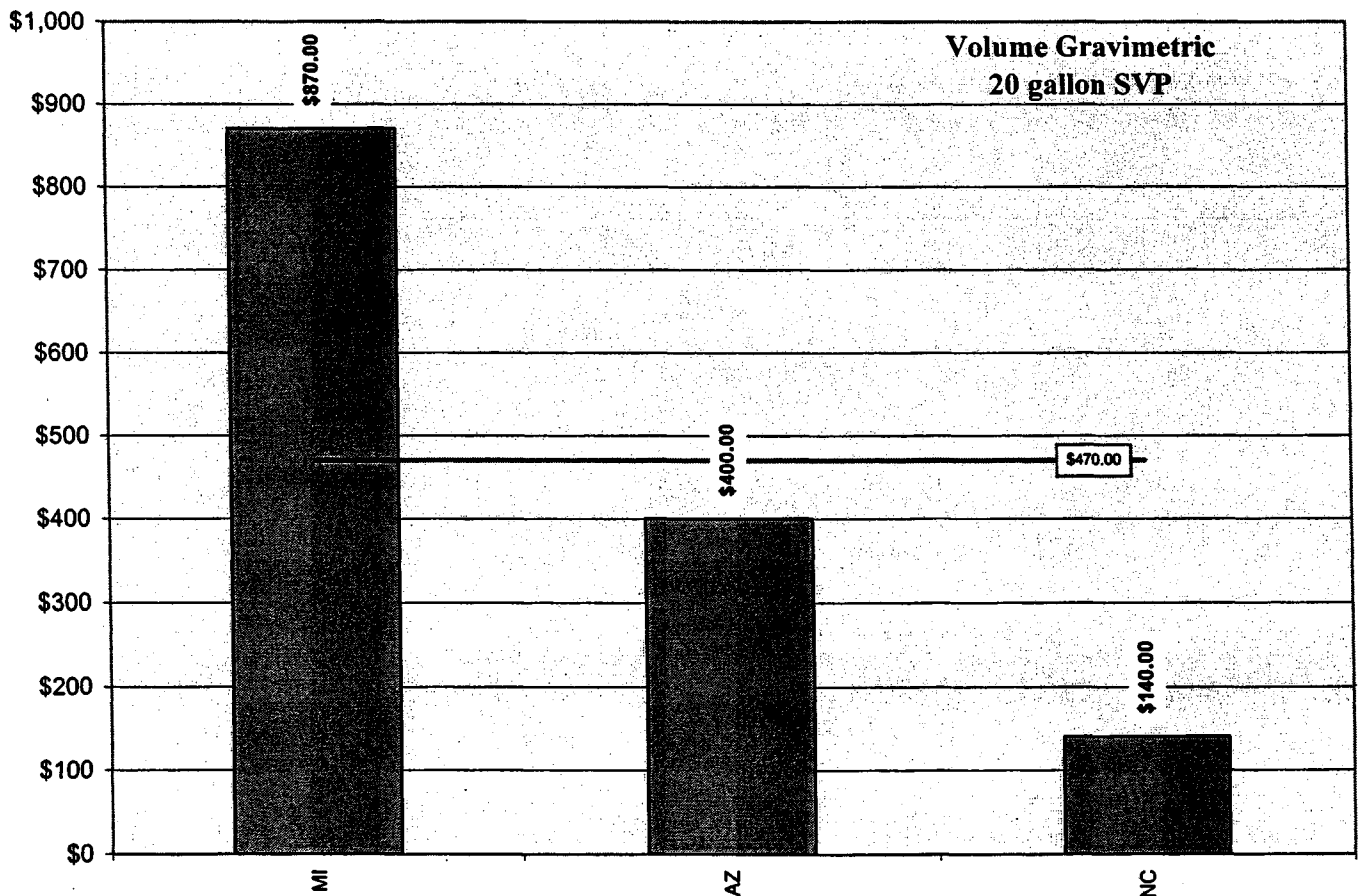
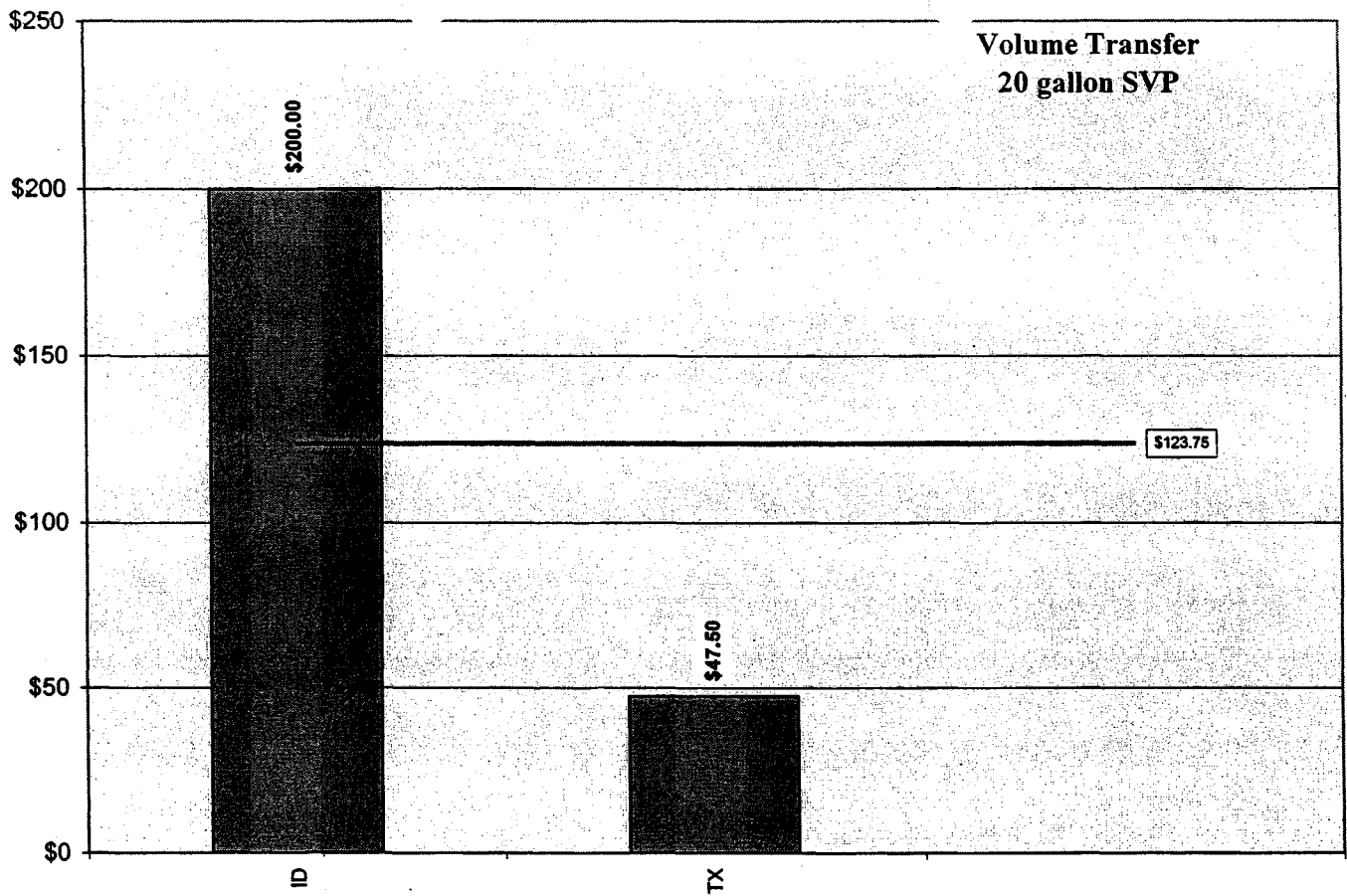
20 Gallon SVP – Volume Gravimetric for 2008

Description

The bottom graph represents the fees charged for calibrating a 20 gallon SVP using volume-gravimetric calibration procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2006	3	\$470.00	--
2008	3	\$470.00	0 %



100 Gallon LPG Prover – Volume Transfer for 2006

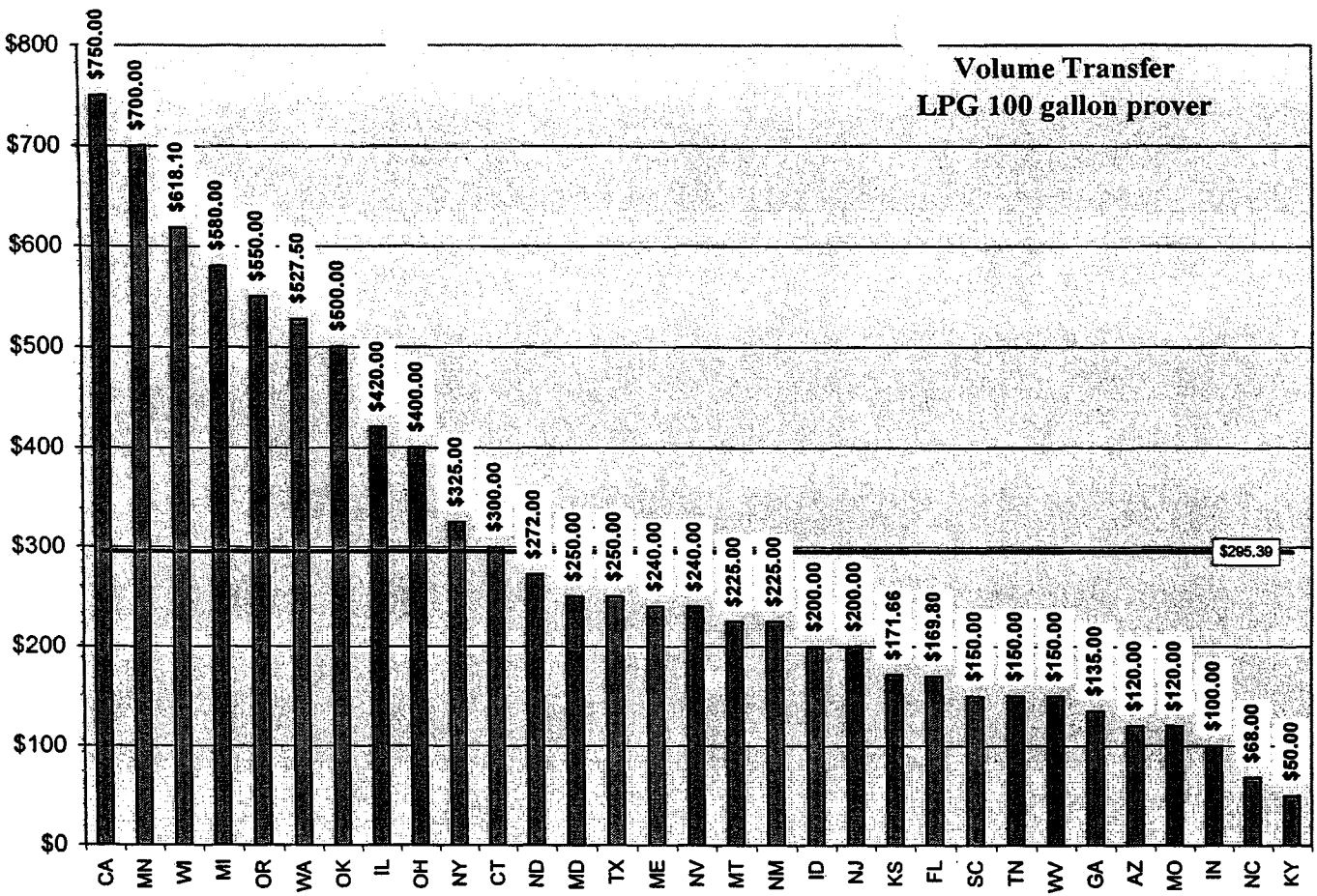
Description

The graph represents the fees charged for calibrating a 100 gallon LPG prover using volume-transfer calibration procedures.

Comparison of previous surveys

	# of Labs	Average Fee	% Change
2006	32	\$255.78	--
2008	31	\$295.39	+15 %

**Volume Transfer
LPG 100 gallon prover**





COMMONWEALTH OF PENNSYLVANIA
OFFICE OF GENERAL COUNSEL
DEPARTMENT OF GENERAL SERVICES

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Harrisburg, Pennsylvania 17125

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E-MAIL ADDRESS:
mbarrett@state.pa.us

September 27, 2010

The Honorable Kim Kauffman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

Re: NOTICE OF FINAL FORM RULEMAKING Document 08-14
Department of General Services
70 Pa. Code Chapter 110
Weights, Measures and Standards
State Metrology Laboratory

Dear Mr. Kaufman:

Enclosed is a final-form regulation that will enable the Department of General Services to comply with the General Assembly's mandate to charge the public user fees for metrology services, by amending its fee schedule to better cover the costs of the services provided. This regulation was published as proposed rulemaking at 39 Pa.B. 5921 (October 10, 2009). Currently, the State Metrology Laboratory charges fees that are out of date and lagging behind the fees charged for these services by other surrounding states. The final-form rulemaking fulfills the statutory requirement under section 4718 of the Consolidated Weights and Measures Act, 3 Pa.C.S. §§ 4104-4194, that DGS establish, charge and collect fees for metrology laboratory calibration, type evaluation and other testing services.

This final-form regulation, which amends the *Pennsylvania Code*, Title 70, Chapter 110 (relating to the Metrology Laboratory), is submitted for review by your Committee pursuant to the Regulatory Review Act. The Department of General Services will provide your Committee with any assistance required to facilitate a thorough review of this proposal.

Copies of these documents have been submitted to the majority and minority chairpersons of the House and Senate State Government Committees.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Barrett".

Michael C. Barrett
Senior Counsel

Enclosure

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 8-14
 SUBJECT: DEVICE TYPE APPROVAL AND STATE METROLOGY LABORATORY
 AGENCY: DEPARTMENT OF GENERAL SERVICES

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

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IRRC
2009 SEP 27 A 11:06

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
9/27	<u>Amy J. Noel</u>	HOUSE COMMITTEE ON STATE GOVERNMENT
9/27	<u>[Signature]</u>	MAJORITY CHAIRMAN <u>BABETTE JOSEPHS</u>
9/27	<u>Paul Scott</u>	SENATE COMMITTEE ON STATE GOVERNMENT
9/27	<u>Quay Kepp</u>	MAJORITY CHAIRMAN <u>CHARLES McILHINNEY, JR</u>
9/27/10	<u>K Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL (for Final Omitted only)
_____	_____	LEGISLATIVE REFERENCE BUREAU (for Proposed only)