

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

**RECEIVED REGULATORY
REVIEW COMMISSION**

2019 JUN 18 P 2:42

(1) Agency

Department of General Services

(2) Agency Number: 08

Identification Number: 27

IRRC Number:

3237

(3) PA Code Cite: 70 Pa. Code § 110.2

(4) Short Title: Metrology Calibration and Testing Fees

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

Primary Contact: Mary W. Fox, Department of General Services, (717) 787-6789

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(6) 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

(7) 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.

The regulation also updates the description fields to accurately reflect the parameters and ranges covered under the National Institute of Standards and Technology (NIST) Office of Weights and Measures Certificate of Metrological Traceability, and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation.

(8) 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. §4178 (the Act).

(9) 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. Section 4178 also provides that DGS shall alter these fees by regulation. This proposed regulation will establish fees to ensure the costs for the testing services rendered by the laboratory are borne by the parties who are receiving the services and not by the taxpayers.

(10) 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.

The regulation will increase the fees charged for metrology laboratory calibration, type evaluation and other services performed by the Laboratory.

The updates to the description fields will accurately reflect the parameters and ranges covered under the National Institute of Standards and Technology (NIST) Office of Weights and Measures Certificate of Metrological Traceability and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation.

(11) 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.

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

The Department of General Services conducted a survey of fees charged by seven state laboratories (California, Hawaii, Missouri, Oklahoma, South Carolina, Virginia and Vermont) and one county laboratory (Los Angeles County, California) for similar services and determined that the proposed fees are in line with fees charged by those laboratories. Each of those laboratories raised their fees in 2012 or 2013 due to increasing costs. The increased fees collected will cover the cost of performing these testing services and ensure that the costs are borne by the parties who are receiving the services and not by the taxpayers.

The Department of General Services also completed a cost comparison for ten separate scenarios for lab calibrations. For each scenario, the Department of General Services compared Pennsylvania's proposed increased fees to the fees charged by other states. For eight of those scenarios, Pennsylvania's proposed fees would be between the second and ninth highest fees of those states for which the Department of General Services had information. For two of those scenarios, Pennsylvania's proposed fees would be the highest fee charged. In one of those two scenarios involving 100-foot metal tape with 19 points tested, the metal tapes being calibrated are typically used by County Offices of Weights and Measures and law enforcement agencies within the Commonwealth of Pennsylvania, both of which are exempt from paying calibration fees by law.

The Department of General Services believes that the increase in fees will not impact Pennsylvania's ability to compete with other states. Pennsylvania's State Metrology Lab is consistently praised for its work because it is able to quickly complete its services due to the large size of its Lab. The State Metrology Lab has a repeat customer base, evidencing the quality of its services.

In addition, it would be cost-prohibitive to ship much of the equipment the State Metrology Lab tests to other states because it is very large and heavy. It would be more cost-effective to pay the increased fees than to ship the equipment to another testing location.

The Department of General Services also reviewed fees charged by commercial companies for similar services and determined that the commercially-charged fees are generally higher than the Department of General Services' proposed increased fees.

Therefore, the Department of General Services does not believe the increase in fees will have any effect on Pennsylvania's ability to compete with other states.

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

No.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The proposed fee schedule is based upon a survey of similar fees charged by eight other laboratories conducted by the Department of General Services, all of which raised their rates in 2012 or 2013 to cover increasing costs. These laboratories include seven state laboratories (California, Hawaii, Missouri, Oklahoma, South Carolina, Virginia and Vermont) and one county laboratory (Los Angeles County, California).

The Department of General Services also reviewed fees charged by commercial companies for similar services and determined that the commercially-charged fees are generally higher than the Department of General Services' proposed increased fees. These commercial companies include: Troemner Inc., Rice Lake Weighing Systems and Imada Inc.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighting and measuring devices will be charged fees according to the proposed fee schedule.

Last year the Laboratory provided approximately 1,570 services including services to approximately 459 commercial customers, and those fees will be increased on a yearly basis under the proposed rulemaking. The 1570 services were performed on a total of 26,048 devices. Approximately seventy-seven percent of those devices, or 20,099 devices, were for commercial customers.

The anticipated total annual fees per user are estimated to be \$1,405, a \$866 increase from the current average total annual fees per user of \$539. Since the significant majority of the devices the Laboratory tests are devices for commercial customers, these fee increases will ensure that the costs are borne by the parties who are receiving the services and not by the taxpayers.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighting and measuring devices must be registered under the Act and the accuracy of their field standards must be certified annually. There are approximately 1,800 licensed seller/installer/repairpersons registered with the Pennsylvania Department of Agriculture who use the State Metrology Laboratory's services. The Department of General Services has estimated that approximately 151 small businesses will be affected.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The estimate of fees that would be charged annually to the regulated community under the new fee schedule will initially be \$645,094, which is a \$387,080.83 increase from the prior year total annual fees of \$258,013.17.

The fee increase will cover the cost of performing these testing services, ensuring that the costs are borne by the parties who are receiving the services and not by the taxpayers.

(18) 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. The increased fees are intended to cover increasing costs (in the form of salary and benefit increases, purchasing card

purchases used to maintain metrological traceability for laboratory standards, training required to maintain laboratory accreditation and necessary equipment replacement) associated with Pennsylvania's State Metrology Laboratory's services, which shifts the burden of funding the Laboratory's services from the taxpayers to the parties enjoying the benefits of the services.

Failure to adopt regulations will require taxpayers to continue to provide the majority of funding to operate the State Metrology Laboratory.

(19) 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 will initially be \$645,094, which is a \$387,080.83 increase from the prior year total annual fees of \$258,013.17.

The anticipated total annual fees per user are estimated to be \$1,405, a \$866 increase from the current average total annual fees per user of \$539. The average fees per user was calculated by dividing the fiscal year revenue by the number of commercial customers.

The regulated community would be charged the following total estimated fees, by fiscal year:

FY2019-20 \$645,094.00

FY2020-21 \$645,094.00

FY2021-22 \$645,094.00

FY2022-23 \$645,094.00

FY2023-24 \$645,094.00

(20) Provide a specific estimate of the costs and/or savings to the **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.

(21) Provide a specific estimate of the costs and/or savings to the **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.

State government would realize the following anticipated cost savings, by fiscal year:

FY2019-20 \$387,080.83

FY2020-21 \$387,080.83

FY2021-22 \$387,080.83

FY2022-23 \$387,080.83

FY2023-24 \$387,080.83

The total savings from fiscal year 2019-20 through fiscal year 2023-24 is \$1,935,404.15.

The Department of General Services calculated these savings by applying the additional revenue generated by the fee increase to the operating costs.

(22) For each of the groups and entities identified in items (19)-(21) above, 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 the Department of General Services to record the services performed, issue invoices, collect amounts invoiced, and publish a list of updated fees.

(22a) Are forms required for implementation of the regulation?

No.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

N/A

(23) 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	0	\$387,080.83	\$387,080.83	\$387,080.83	\$387,080.83	\$387,080.83
Total Savings	0	\$387,080.83	\$387,080.83	\$387,080.83	\$387,080.83	\$387,080.83
COSTS:						
Regulated Community	0	\$645,094.00	\$645,094.00	\$645,094.00	\$645,094.00	\$645,094.00
Local Government						
State Government						

Total Costs	0	\$645,094.00	\$645,094.00	\$645,094.00	\$645,094.00	\$645,094.00
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Metrology Lab	\$665,647.01	\$681,688.15	\$700,693.49	\$774,452.07 (projected)

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
- (a) The size standards presented in the United States Small Business Administration's Small Business Size Regulations under 13 CFR Ch. 1 Part 121 (relating to Small Business Size Regulations) are the size standards that determine whether a business is a "small business" for purposes of the Regulatory Review Act. The applicable standards track with the North American Industry Classification System (NAICS) Codes, and are at 13 CFR § 121.201, in a chart titled Small Business Size Standards by NAICS Industry. Businesses using the State Metrology Laboratory

services fall under three separate NAICS Codes: Sectors 31-33 - Manufacturing, Subsector 311 – Food Manufacturing (with employees ranging from 500 and 1,000); Sector 42 – Wholesale Trade, Subsector 424 – Merchant Wholesalers, Nondurable Goods (with 100 employees); and Sector 54 – Professional, Scientific and Technical Services; Subsector 541 – Professional, Scientific, and Technical Services (with varying size standards). Due to the varied nature of these businesses, the Department of General Services is unable to determine a definitive number of small businesses that will be affected by this regulation change; however, the Department of General Services has estimated that approximately 151 small businesses will be affected.

- (b) No reporting, recordkeeping or other administrative costs will be required for compliance with the proposed regulation. The regulation only increases fees for State Metrology Laboratory services.
- (c) Impacted small businesses will be subject to the increased costs for the State Metrology Laboratory services. The anticipated total annual fees per user are estimated to be \$1,405, a \$866 increase from the current average total annual fees per user of \$539. All State Metrology Laboratory customers, including small businesses, have benefitted from the fees that have not increased since 2010 despite increased salary and benefits for Metrology Lab employees and increasing costs to maintain or replace equipment. While this regulation increases fees charged to small businesses, these fees are only being increased to keep pace with rising costs. In addition, these fees are normal business expenses that are typically passed down by the service companies to the end users. Updates to the description fields will not have any effect on small businesses.
- (d) The less intrusive or less costly alternative would be to keep fees at their current levels. If this were to occur, costs would be borne by the taxpayers instead of entities using the service.

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

Not applicable.

(26) 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.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and

- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

This regulation is a fee increase to be charged to all customers of the State Metrology Laboratory. There are no compliance or reporting requirements or design or operational standards. The Department of General Services has not considered alternative regulatory methods to minimize an adverse impact on small businesses due to the nature of this regulation. The Department of General Services has not considered exempting small business from the fee increase because the fee increase is necessary to cover the costs of the State Metrology Laboratory.

Updates to the description fields will not have any effect on small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

In October 2013 the Department of General Services conducted a survey of fees charged by reporting laboratories in the National Conference of Standards Laboratories (NCSL) State Laboratory Program Workload Survey. There were seven state operated laboratories (California, Hawaii, Missouri, Oklahoma, South Carolina, Virginia and Vermont) and one county laboratory (Los Angeles County, California) that raised their fees in 2012 or 2013 due to increasing costs. The Department of General Services averaged the fees reported from these laboratories for each parameter as the baseline fee. The Department of General Services then updated those average baseline fees by the calculated historical average fee increase of 16.71% using data from 2000 to 2012 biennial NCSL State Laboratory Program Workload Surveys. The Department of General Services then rounded those fees to the nearest \$5. The Department of General Services' increased fees were comparable to the fees reported in the 2016 NCSL State Laboratory Program Workload Survey.

The increased fees are intended to cover increasing costs (in the form of salary and benefit increases, purchasing card purchases used to maintain metrological traceability for laboratory standards, training required to maintain laboratory accreditation and necessary equipment replacement) associated with Pennsylvania's State Metrology Laboratory's services.

The Department of General Services has included a spreadsheet detailing how it arrived at its calculations and a cost comparison for ten separate scenarios for lab calibrations.

2012 NCSL State Laboratory Program Workload Survey

https://www.nist.gov/sites/default/files/documents/2018/01/26/2012_slp_workload_survey_20140925.pdf

2016 NCSL State Laboratory Program Workload Survey

<https://www.nist.gov/sites/default/files/documents/2017/11/29/2016-slp-workload-survey.pdf>

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

- | | |
|---|-------------------------|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of delivery of the final-form regulation: | <u>Spring 2019</u> |
| D. The expected effective date of the final-form regulation: | <u>Upon Publication</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>Upon Publication</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Department of General Services will conduct an analysis at the end of each fiscal year to ensure that the fee increase was sufficient to cover the costs of the State Metrology Laboratory for that fiscal year.

Pennsylvania Standards Laboratory Public Fee Schedule

General Type of Test	Description	Fee
Precision Mass	ASTM or OIML Class weights calibrated by use of the Mass Code Range: 50 lb to 0.001 lb 50 kg to 1 mg	\$75 per mass-hour
Precision Mass	ASTM Class 1, 2, 3, 4 OIML Class E, F, G, H Best calibration not to a specific class Range: 1000 lb to 0.001 lb 10 kg to 1 mg	\$65 per weight
Ordinary Mass, Small	NIST Class F ASTM G, O, T OIML M ₁ , M ₂ , M ₃ , M ₄ , M ₅ , M ₆ Range: 10 lb to 0.001 lb 5 kg to 1 mg	\$20 per test (20 items maximum) \$40 per weight (4 items maximum)
Ordinary Mass, Medium	NIST Class F ASTM G, O, T OIML M ₁ , M ₂ , M ₃ , M ₄ , M ₅ , M ₆ Range: 100 lb to 100 g 50 kg to 1 g	\$10 per weight (10 items maximum) \$40 per weight (4 items maximum)
Ordinary Mass, Large	NIST Class F ASTM G, O, T OIML M ₁ , M ₂ , M ₃ , M ₄ , M ₅ , M ₆ Range: 1000 lb to 100 g 500 kg to 1 g	\$40 per test (4 items maximum) \$60 per weight (4 items maximum)
Ordinary Mass	400 pounds Range: 2000 lb to 6000 lb Test Measures	\$315 per full scale weight (new)
Volume Transfer	Flow: 5 Gallon to 1 Liter to 20 Liter Flow: 10 Gallon to 100 Gallon 40 Liter to 500 Liter	\$120 per measure (includes equipment)
Volume Transfer	Flow: 10 Gallon to 100 Gallon 40 Liter to 500 Liter	\$440 per prover (includes services)
Volume Transfer	Flow: 101 Gallon to 1000 Gallon 400 Liter to 5000 Liter Test Measures	\$440 plus \$1 for each additional gallon over 100 gallon (includes equipment)
Gravimetric Calibrations	Flow: 1 Gallon to 10 Gallon 5 Liter to 20 Liter Flow: 11 Gallon to 100 Gallon 20 Liter to 500 Liter	\$3.25 per item \$1.65 per item
Length Calibrations	Metal Tapes Range: 0 to 200 feet Circuit Ties	\$40 per point tested
Timing Devices	Range: 0 to 24 hours	\$70 per item
Wheel Load Weighers	NIST Handbook 44 Class III Scales Range: 0 to 20,000 lb	\$70 per scale
Force Gauges	Range: 0 to 50 lbf	\$100 per gauge
Special Tests	Examples: 1. Sealing Weights 2. Test Measure Repair 3. Special Test Request 4. Special Invoicing Procedures 5. Non-Standard Mass Value Calibration Note: A quote will be provided for all hourly services.	\$75 per mass-hour

Description	FY2014-15				FY2015-16			
	Current Fee Schedule		Exempt		Current Fee Schedule		Exempt	
	Income		Costs		Income		Costs	
Commercial Customers	\$ 241,929.88	\$ -	\$ -	\$ -	\$ 250,297.07	\$ -	\$ -	\$ -
Agencies that are exempt by the law	\$ -	\$ 69,202.00	\$ -	\$ -	\$ -	\$ 69,202.00	\$ -	\$ -
Municipalities & Counties	\$ -	\$ 30,330.00	\$ -	\$ -	\$ -	\$ 30,330.00	\$ -	\$ -
Salary & Benefits ¹	\$ -	\$ -	\$ 547,823.03	\$ -	\$ -	\$ -	\$ 600,196.38	\$ -
P-Card ²	\$ -	\$ -	\$ 49,702.53	\$ -	\$ -	\$ -	\$ 49,203.23	\$ -
Equipment Depreciation ³	\$ -	\$ -	\$ 13,837.28	\$ -	\$ -	\$ -	\$ 13,837.28	\$ -
Equipment Replacement ⁴	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Training (Required to maintain certification)	\$ -	\$ -	\$ 4,198.14	\$ -	\$ -	\$ -	\$ 2,410.12	\$ -
Total Income	\$ 241,929.88	\$ 99,532.00	\$ 615,580.98	\$ -	\$ 250,297.07	\$ 99,532.00	\$ 665,647.01	\$ -
Cost Recovery			55.47%				52.55%	

Proposed Fee Schedule							
Commercial Customers							
Agencies that are exempt by the law							
Municipalities & Counties							
Salary & Benefits ¹							
P-Card ²							
Equipment Depreciation ³							
Equipment Replacement ⁴							
Training (Required to maintain certification)							
Total Income							
Cost Recovery ⁵							

Notes

¹ DGS's Bureau of Financial Services provided the salary and benefits, P-Card and training costs for FY2014-15 through FY2017-18. The calculated average salary and benefits increases for FY2014-15 through FY2017-18 was 5.39%.

² Expenses to maintain standards and peripheral equipment along with the purchase of raw materials to ensure we comply with the ISO/IEC 17025:2017 standard.

³ Straight-line equipment depreciation calculation = (Original Cost - Salvage Value) / Useful Life

⁴ Replace 10 obsolete mass comparators, see equipment replacement summary below for details.

⁵ FY2019-20 through FY2023-24 Cost Recovery Average = 98.37%

FY2016-17				FY2017-18				FY2018-19			
Current Fee Schedule		Current Fee Schedule		Current Fee Schedule		Current Fee Schedule		Current Fee Schedule		Current Fee Schedule	
Income	Exempt	Costs	Income	Exempt	Costs	Income	Exempt	Costs	Income	Exempt	Costs
\$ 292,421.85	\$ -	\$ -	\$ 247,403.86	\$ -	\$ -	\$ 258,013.17	\$ -	\$ -	\$ 258,013.17	\$ -	\$ -
\$ -	\$ 69,202.00	\$ -	\$ -	\$ 69,202.00	\$ -	\$ -	\$ 69,202.00	\$ -	\$ -	\$ 69,202.00	\$ -
\$ -	\$ 30,330.00	\$ -	\$ -	\$ 30,330.00	\$ -	\$ -	\$ 30,330.00	\$ -	\$ -	\$ 30,330.00	\$ -
\$ -	\$ -	\$ 825,515.49	\$ -	\$ -	\$ 640,391.25	\$ -	\$ -	\$ 674,906.34	\$ -	\$ -	\$ 674,906.34
\$ -	\$ -	\$ 39,925.28	\$ -	\$ -	\$ 45,383.21	\$ -	\$ -	\$ 48,921.53	\$ -	\$ -	\$ 48,921.53
\$ -	\$ -	\$ 13,837.28	\$ -	\$ -	\$ 13,837.28	\$ -	\$ -	\$ 13,837.28	\$ -	\$ -	\$ 13,837.28
\$ -	\$ -	\$ 2,410.12	\$ -	\$ -	\$ 1,081.75	\$ -	\$ -	\$ 34,595.00	\$ -	\$ -	\$ 34,595.00
\$ -	\$ -	\$ 681,688.15	\$ 247,403.86	\$ 89,532.00	\$ 700,693.49	\$ 258,013.17	\$ 89,532.00	\$ 1,189.93	\$ 258,013.17	\$ 89,532.00	\$ 1,189.93
\$ 292,421.85	\$ 89,532.00	\$ 57.50%	\$ 247,403.86	\$ 89,532.00	\$ 49.51%	\$ 258,013.17	\$ 89,532.00	\$ 46.17%	\$ 258,013.17	\$ 89,532.00	\$ 46.17%

FY2019-20				FY2020-21				FY2021-22			
Current Fee Schedule				Current Fee Schedule				Current Fee Schedule			
Income	Exempt		Costs	Income	Exempt		Costs	Income	Exempt		Costs
\$ 258,013.17	\$ -	\$ -	\$ -	\$ 258,013.17	\$ -	\$ -	\$ -	\$ 258,013.17	\$ -	\$ -	\$ -
\$ -	\$ 69,202.00	\$ -	\$ -	\$ -	\$ 69,202.00	\$ -	\$ -	\$ -	\$ 69,202.00	\$ -	\$ -
\$ -	\$ 30,330.00	\$ -	\$ -	\$ -	\$ 30,330.00	\$ -	\$ -	\$ -	\$ 30,330.00	\$ -	\$ -
\$ -	\$ -	\$ 711,285.90	\$ -	\$ -	\$ -	\$ 749,624.21	\$ -	\$ -	\$ -	\$ 790,028.95	\$ -
\$ -	\$ -	\$ 54,913.68	\$ -	\$ -	\$ -	\$ 60,405.05	\$ -	\$ -	\$ -	\$ 66,445.56	\$ -
\$ -	\$ -	\$ 13,837.28	\$ -	\$ -	\$ -	\$ 13,837.28	\$ -	\$ -	\$ -	\$ 13,837.28	\$ -
\$ -	\$ -	\$ 152,355.00	\$ -	\$ -	\$ -	\$ 97,364.00	\$ -	\$ -	\$ -	\$ 48,632.00	\$ -
\$ -	\$ -	\$ 1,308.92	\$ -	\$ -	\$ -	\$ 1,439.81	\$ -	\$ -	\$ -	\$ 1,583.79	\$ -
\$ 258,013.17	\$ 99,532.00	\$ 933,700.78	\$ 38.29%	\$ 258,013.17	\$ 99,532.00	\$ 922,670.35	\$ 38.75%	\$ 258,013.17	\$ 99,532.00	\$ 920,527.58	\$ 38.84%

FY2019-20 Proposed Fee Schedule				FY2020-21 Proposed Fee Schedule				FY2021-22 Proposed Fee Schedule			
Income	Exempt		Costs	Income	Exempt		Costs	Income	Exempt		Costs
\$ 645,094.00	\$ -	\$ -	\$ -	\$ 645,094.00	\$ -	\$ -	\$ -	\$ 645,094.00	\$ -	\$ -	\$ -
\$ -	\$ 192,485.00	\$ -	\$ -	\$ -	\$ 192,485.00	\$ -	\$ -	\$ -	\$ 192,485.00	\$ -	\$ -
\$ -	\$ 89,500.00	\$ -	\$ -	\$ -	\$ 89,500.00	\$ -	\$ -	\$ -	\$ 89,500.00	\$ -	\$ -
\$ -	\$ -	\$ 711,285.90	\$ -	\$ -	\$ -	\$ 749,624.21	\$ -	\$ -	\$ -	\$ 790,028.95	\$ -
\$ -	\$ -	\$ 54,913.68	\$ -	\$ -	\$ -	\$ 80,405.05	\$ -	\$ -	\$ -	\$ 86,445.56	\$ -
\$ -	\$ -	\$ 13,837.28	\$ -	\$ -	\$ -	\$ 13,837.28	\$ -	\$ -	\$ -	\$ 13,837.28	\$ -
\$ -	\$ -	\$ 152,355.00	\$ -	\$ -	\$ -	\$ 97,364.00	\$ -	\$ -	\$ -	\$ 48,632.00	\$ -
\$ -	\$ -	\$ 1,308.92	\$ -	\$ -	\$ -	\$ 1,439.81	\$ -	\$ -	\$ -	\$ 1,583.79	\$ -
\$ 645,094.00	\$ 281,985.00	\$ 933,700.78	\$ 99.28%	\$ 645,094.00	\$ 281,985.00	\$ 922,670.35	\$ 100.48%	\$ 645,094.00	\$ 281,985.00	\$ 920,527.58	\$ 100.71%

FY2019-20 Notes		FY2020-21 Notes		FY2021-22 Notes	
Costs:	Salary and Benefits costs were increased by 5.39% from the previous FY. P-Card & Training costs were increased by 10% from the previous FY.	Costs:	Salary and Benefits costs were increased by 5.39% from the previous FY. P-Card & Training costs were increased by 10% from the previous FY.	Costs:	Salary and Benefits costs were increased by 5.39% from the previous FY. P-Card & Training costs were increased by 10% from the previous FY.

FY2022-23						FY2023-24					
Current Fee Schedule						Current Fee Schedule					
Income	Exempt	Costs				Income	Exempt	Costs			
\$ 258,013.17	\$ -	\$ -	\$	\$ 258,013.17	\$ -	\$ -	\$ -	\$ -	\$	\$ -	
\$ -	\$ 69,202.00	\$ -	\$	\$ -	\$ -	\$ -	\$ 69,202.00	\$ -	\$	\$ -	
\$ -	\$ 30,330.00	\$ -	\$	\$ -	\$ -	\$ -	\$ 30,330.00	\$ -	\$	\$ -	
\$ -	\$ -	\$ 832,611.51	\$	\$ -	\$ -	\$ -	\$ -	\$ 877,489.27	\$	\$ -	
\$ -	\$ -	\$ 73,090.11	\$	\$ -	\$ -	\$ -	\$ -	\$ 80,399.12	\$	\$ -	
\$ -	\$ -	\$ 13,837.28	\$	\$ -	\$ -	\$ -	\$ -	\$ 13,837.28	\$	\$ -	
\$ -	\$ -	\$ 23,504.00	\$	\$ -	\$ -	\$ -	\$ -	\$ 20,392.00	\$	\$ -	
\$ -	\$ -	\$ 1,742.17	\$	\$ -	\$ -	\$ -	\$ -	\$ 1,916.39	\$	\$ -	
\$ - 258,013.17	\$ 99,532.00	\$ 944,785.08	\$	\$ 258,013.17	\$ 99,532.00	\$	\$ 99,532.00	\$ 994,034.06	\$	\$	
			37.84%						35.97%		

FY2022-23 Proposed Fee Schedule						FY2023-24 Proposed Fee Schedule					
Income	Exempt	Costs				Income	Exempt	Costs			
\$ 645,094.00	\$ -	\$ -	\$	\$ 645,094.00	\$ -	\$ -	\$ -	\$ -	\$	\$ -	
\$ -	\$ 192,485.00	\$ -	\$	\$ -	\$ -	\$ -	\$ 192,485.00	\$ -	\$	\$ -	
\$ -	\$ 89,500.00	\$ -	\$	\$ -	\$ -	\$ -	\$ 89,500.00	\$ -	\$	\$ -	
\$ -	\$ -	\$ 832,611.51	\$	\$ -	\$ -	\$ -	\$ -	\$ 877,489.27	\$	\$ -	
\$ -	\$ -	\$ 73,090.11	\$	\$ -	\$ -	\$ -	\$ -	\$ 80,399.12	\$	\$ -	
\$ -	\$ -	\$ 13,837.28	\$	\$ -	\$ -	\$ -	\$ -	\$ 13,837.28	\$	\$ -	
\$ -	\$ -	\$ 23,504.00	\$	\$ -	\$ -	\$ -	\$ -	\$ 20,392.00	\$	\$ -	
\$ -	\$ -	\$ 1,742.17	\$	\$ -	\$ -	\$ -	\$ -	\$ 1,916.39	\$	\$ -	
\$ 645,094.00	\$ 281,985.00	\$ 944,785.08	\$	\$ 645,094.00	\$ 281,985.00	\$	\$ 281,985.00	\$ 994,034.06	\$	\$	
			98.13%						93.26%		

FY2022-23 Notes				FY2023-24 Notes			
Costs:		Salary and Benefits costs were increased by 5.39% from the previous FY. P-Card & Training costs were increased by 10% from the previous FY.		Costs:		Salary and Benefits costs were increased by 5.39% from the previous FY. P-Card & Training costs were increased by 10% from the previous FY.	

1 Lab Salaries & Benefits										
Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 17	Fiscal Year 2016-18	Fiscal Year 2017-18	Fiscal Year 2018-19	Fiscal Year 2019-20	Fiscal Year 2020-21	Fiscal Year 2021-22	Fiscal Year 2022-23	Fiscal Year 2023-24
Actual Total Salary & Benefits	Actual Total Salary & Benefits	Actual Total Salary & Benefits	Actual Total Salary & Benefits	Estimated Total Salary & Benefits	Estimated Total Salary & Benefits	Estimated Total Salary & Benefits	Estimated Total Salary & Benefits	Estimated Total Salary & Benefits	Estimated Total Salary & Benefits	Estimated Total Salary & Benefits
\$ 547,823.03	\$ 600,196.38	\$ 625,515.49	\$ 640,391.25	\$ 674,908.34	\$ 711,285.90	\$ 749,624.21	\$ 790,028.95	\$ 832,611.51	\$ 877,489.27	
FY Salary & Benefits Increase Percentage										
Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 17	Fiscal Year 2016-18	Fiscal Year 2017-18						
	9.56%	4.22%	2.38%							
Average Salary & Benefits Increase Percentage FY2014-15 through FY2017-18										
5.39%										

4 Equipment Replacement Summary					
Manufacturer	Repl. Order	Model	Estimated Cost	Repl. FY	FY Total
Mettler Toledo, Inc. Mass Comparator 6.1 gram capacity	1	XP6U	\$34,595	FY18-19	\$34,595
Mettler Toledo, Inc. Mass Comparator 600 kilogram capacity	2	XP6E604KMC	\$45,767	FY19-20	
Mettler Toledo, Inc. Mass Comparator 3000 kilogram capacity	3	XP6E2003KLC	\$68,657	FY19-20	
Mettler Toledo, Inc. Mass Comparator 111 gram capacity	4	AX106	\$37,931	FY19-20	\$152,355
Mettler Toledo, Inc. Mass Comparator 1,109 gram capacity	5	AX1005	\$48,632	FY20-21	
Mettler Toledo, Inc. Mass Comparator 10000 gram capacity	6	XP6I10003SC	\$23,504	FY20-21	
Mettler Toledo, Inc. Mass Comparator 60 kilogram capacity	7	XP6E64003LC	\$25,228	FY20-21	\$97,364
Mettler Toledo, Inc. Mass Comparator 1,109 gram capacity	8	AX1005	\$48,632	FY21-22	\$48,632
Mettler Toledo, Inc. Mass Comparator 10,000 gram capacity	9	XP6I10003SC	\$23,504	FY22-23	\$23,504
Mettler Toledo, Inc. Mass Comparator 30 Kilogram capacity	10	XP6E32003LC	\$20,932	FY23-24	\$20,932
Total Mass Comparator Replacement Cost					\$377,382

2016

State Laboratory Program Workload Survey



Published by the NCSL International Legal Metrology Committee

[Link to complete 2016 State Laboratory Program Workload Survey](https://www.nist.gov/sites/default/files/documents/2017/11/29/2016-slp-workload-survey.pdf)
<https://www.nist.gov/sites/default/files/documents/2017/11/29/2016-slp-workload-survey.pdf>

Laboratory Fees (2016)

Description

This information is provided as guidance for SLP member laboratories evaluating the fees they charge for measurement services as well as potential clients whom use their services.

The SLP laboratories charge fees for the calibration work they perform; when reviewing the fee estimates in this section consider:

- laboratories may provide an hourly rate and bill real time for all work done,
- laboratories may provide an hourly rate and bill based on the typical time to complete a calibration,
- laboratories may charge a fixed fee for routine calibration work,
- laboratories may charge additional fees for cleaning, repair, adjusting, packaging, etc. which are outside of that which is normally required for well cared for measurement standards.

The time it takes for any one laboratory to calibrate a particular item will vary significantly between laboratories because of differences in the staffing level, staff experience, the facility, the available weight handling equipment, and the available measurement equipment.

Laboratories were asked to quote the typical fee that they would charge for the various routine measurements instead of providing published hourly rates. This provides each lab with a similar set of assumptions when quoting fees for the survey enabling a more meaningful comparison of fee data between the individual SLP laboratories⁸.

Additional Notes:

Only those labs responding to this section of the survey are represented. Labs responding with only a flat per hour service fee are not included, nor are any labs that did not respond to the survey, or are currently closed. No effort was made to extrapolate from previous surveys or to estimate calibration times for each requested service.

The fees quoted are based on in-state calibration work. Most of the member labs charge fees based solely on the measurement services provided, however, the following laboratories report charging higher rates for out-of-state customers;

- Georgia Metrology Laboratory
- NCDA&CS Standards Laboratory
- Oklahoma Bureau of Standards
- Vermont W&M Metrology Lab
- Wyoming Department of Agriculture

Details on labs charging higher rates for out-of-state customers may be found in the comments for sections 8-30 published in this report beginning on page 168.

[Mass Echelon II] ASTM Class 2 Precision mass set - 100 g to 1 mg
(21 weights)

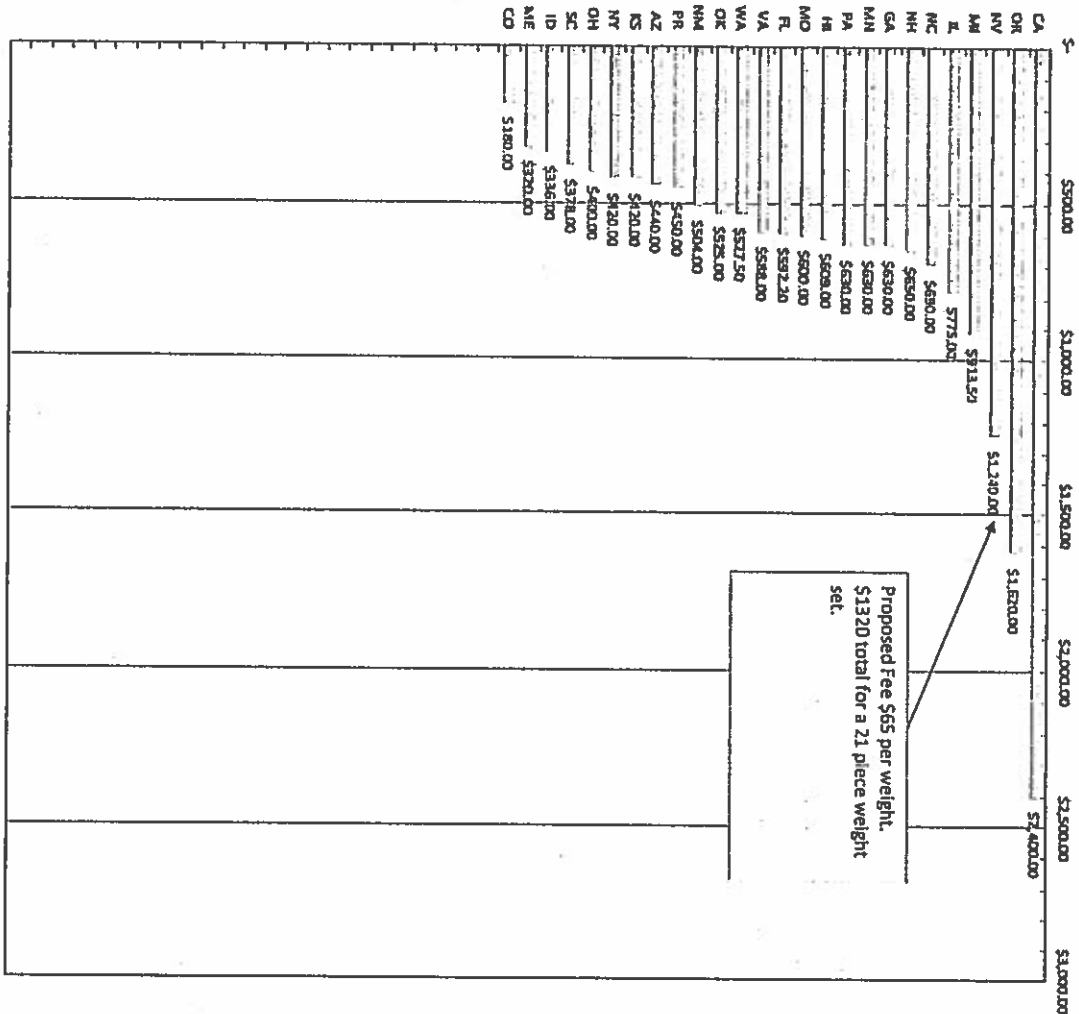


Figure 36: Fees charged for calibrating a precision weight kit containing 21 individual weights ranging from 100 g to 1 mg to ASTM Class 2 tolerances using echelon II testing techniques.

[Mass Echelon III] One - 31 lb Class F weight kit (22 weights)

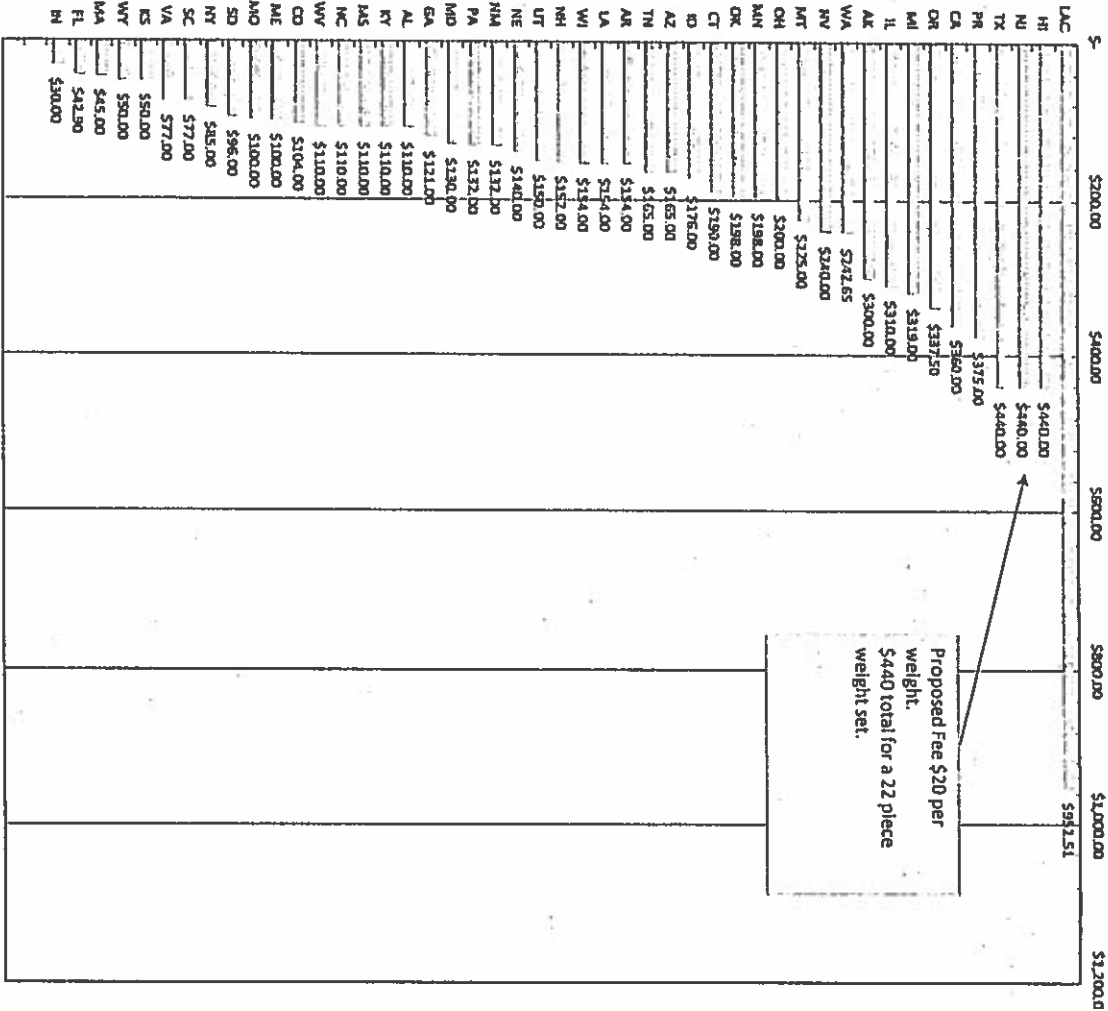


Figure 37: Fees charged for testing a 31 lb weight kit containing 22 pieces to NIST HB 105-1 Class F tolerances using mass echelon III procedures.

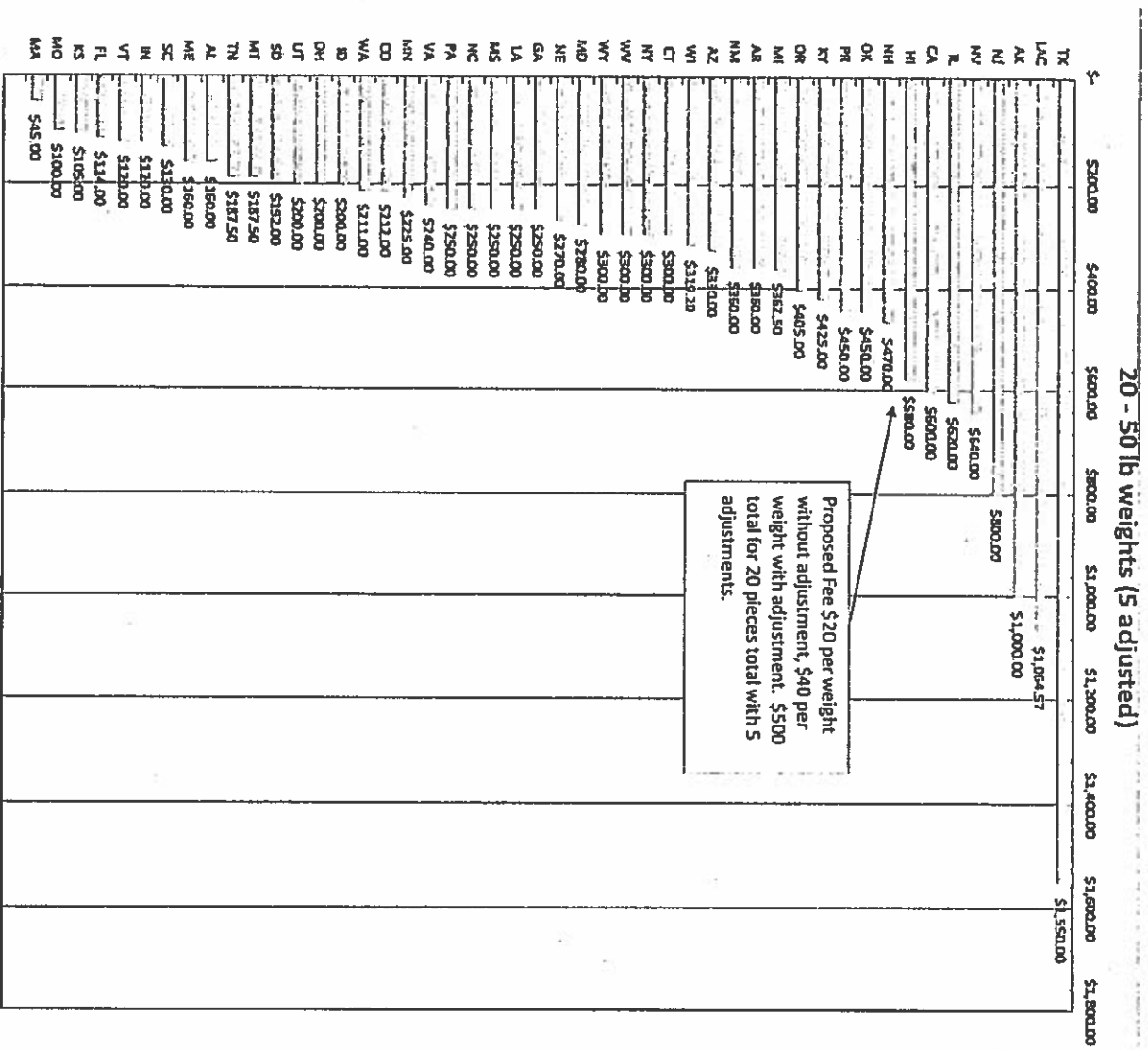


Figure 38: Fees charged for testing a set of 20 50 lb cast iron pipe-handle style test weights to NIST HB 105-1 Class F tolerances (NIST Handbook 105-1 "Specifications for Field Standard Test Weights (NIST Class F)", 1990) using mass echelon III procedures. 5 Adjustments were assumed.

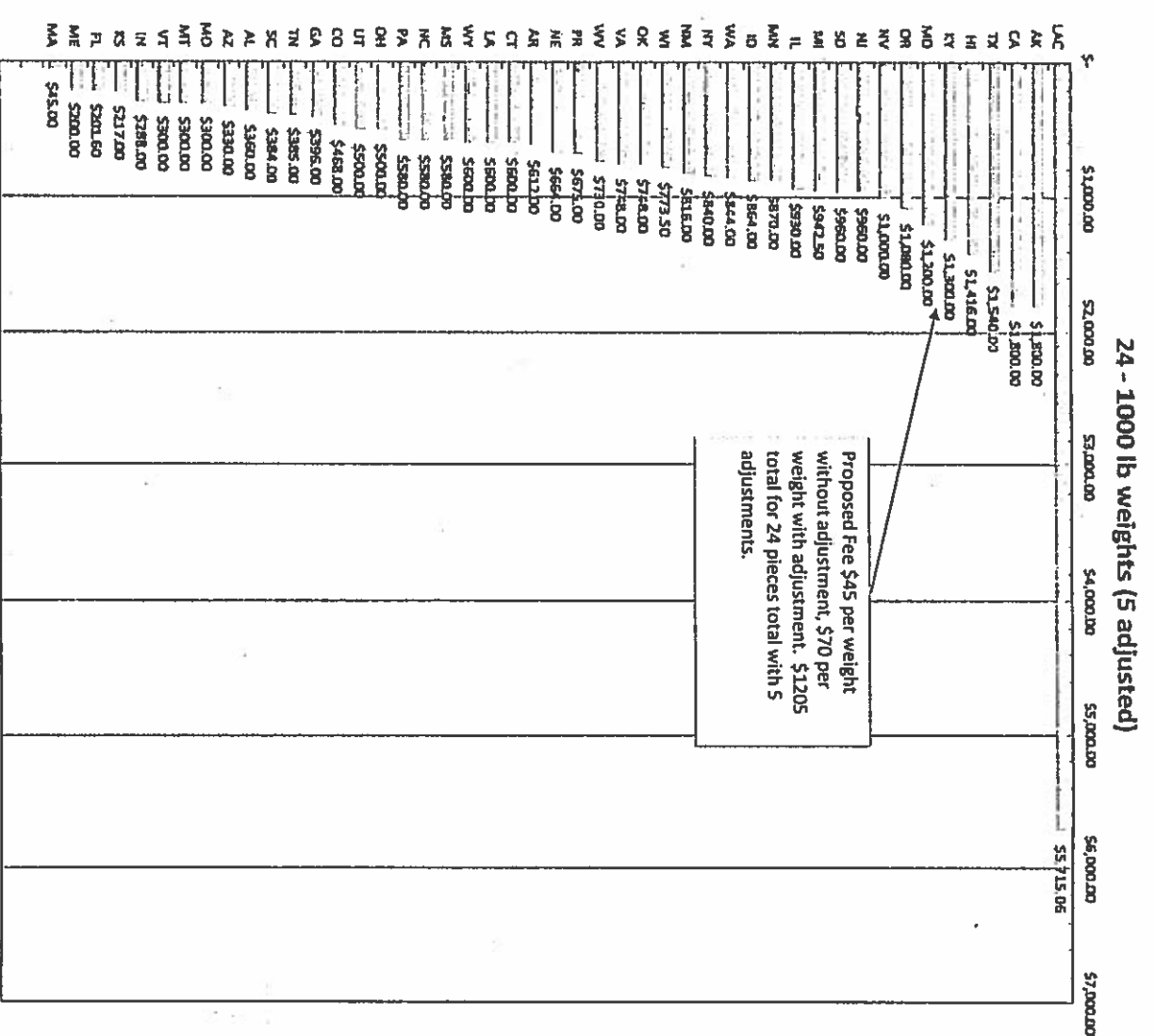


Figure 39: Fees charged for testing a set of 24 1,000 lb cast iron test weights to NIST HB 105-1 Class F tolerances using mass echelon III procedures. 5 Adjustments were assumed.

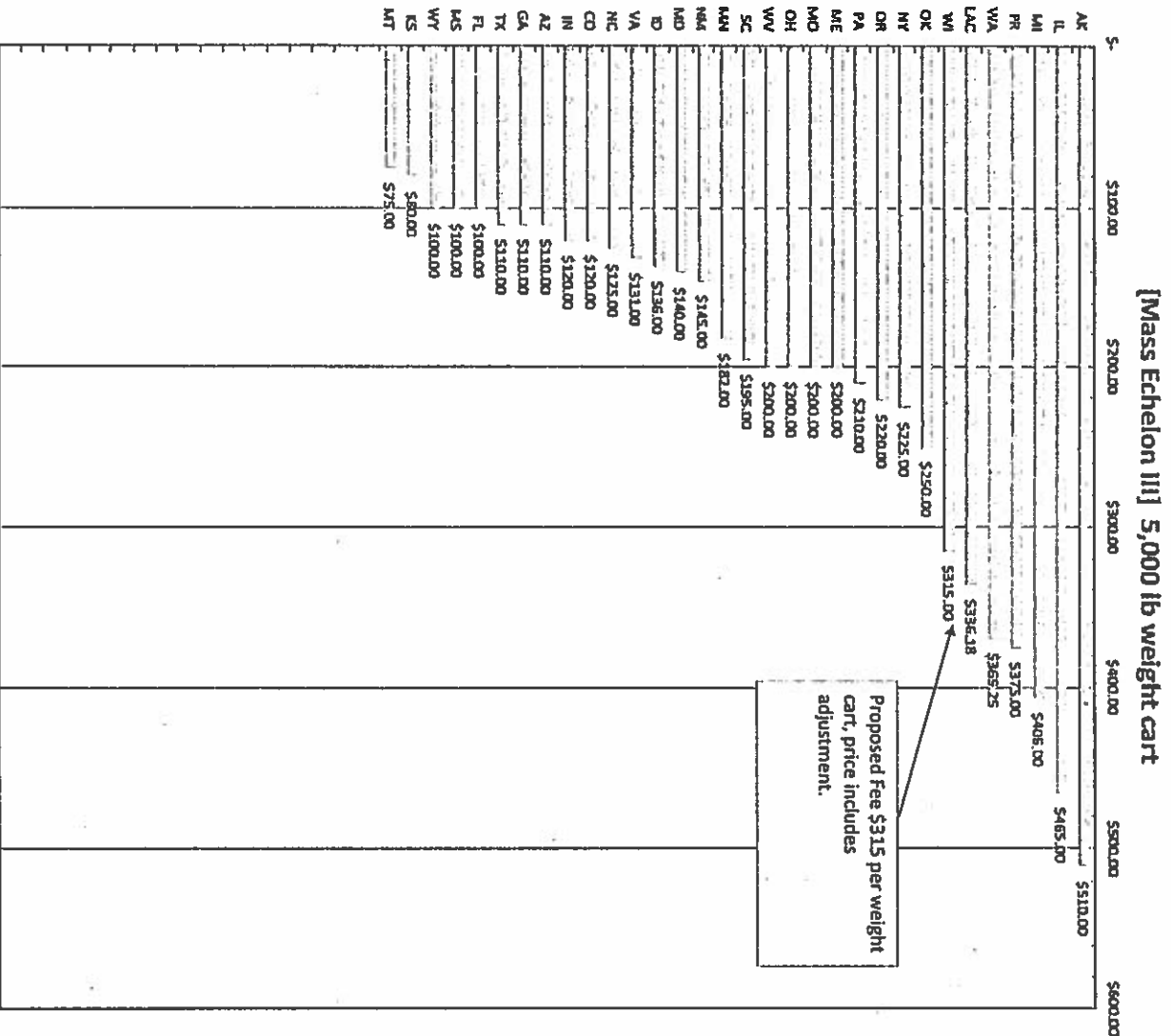


Figure 40: Fees charged for testing a 5,000lb weight cart according to NIST HB 105-8 tolerances using mass echelon III procedures.

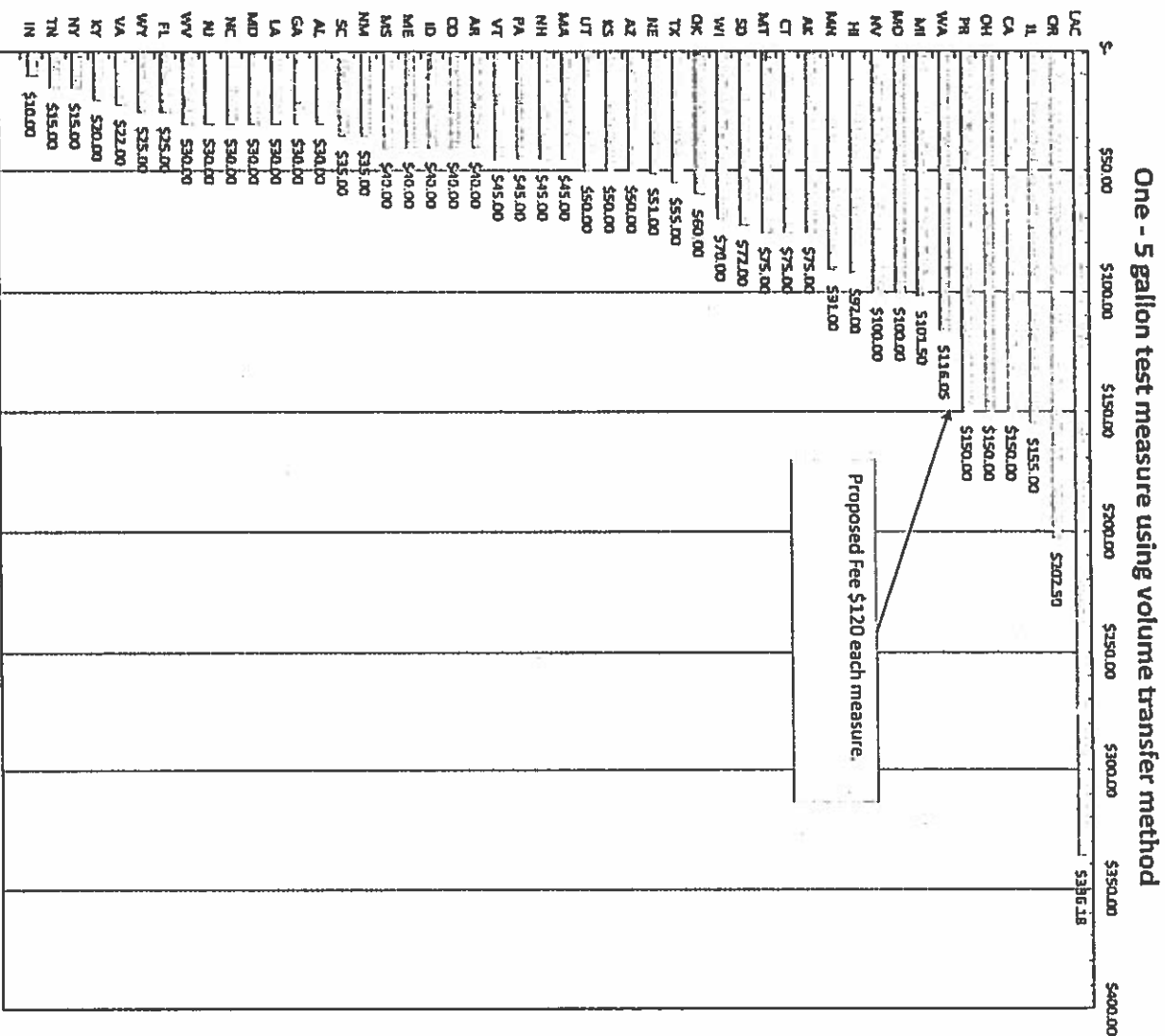


Figure 43: Fees charged for testing a 5 gallon field standard steel prover via volume transfer technique.

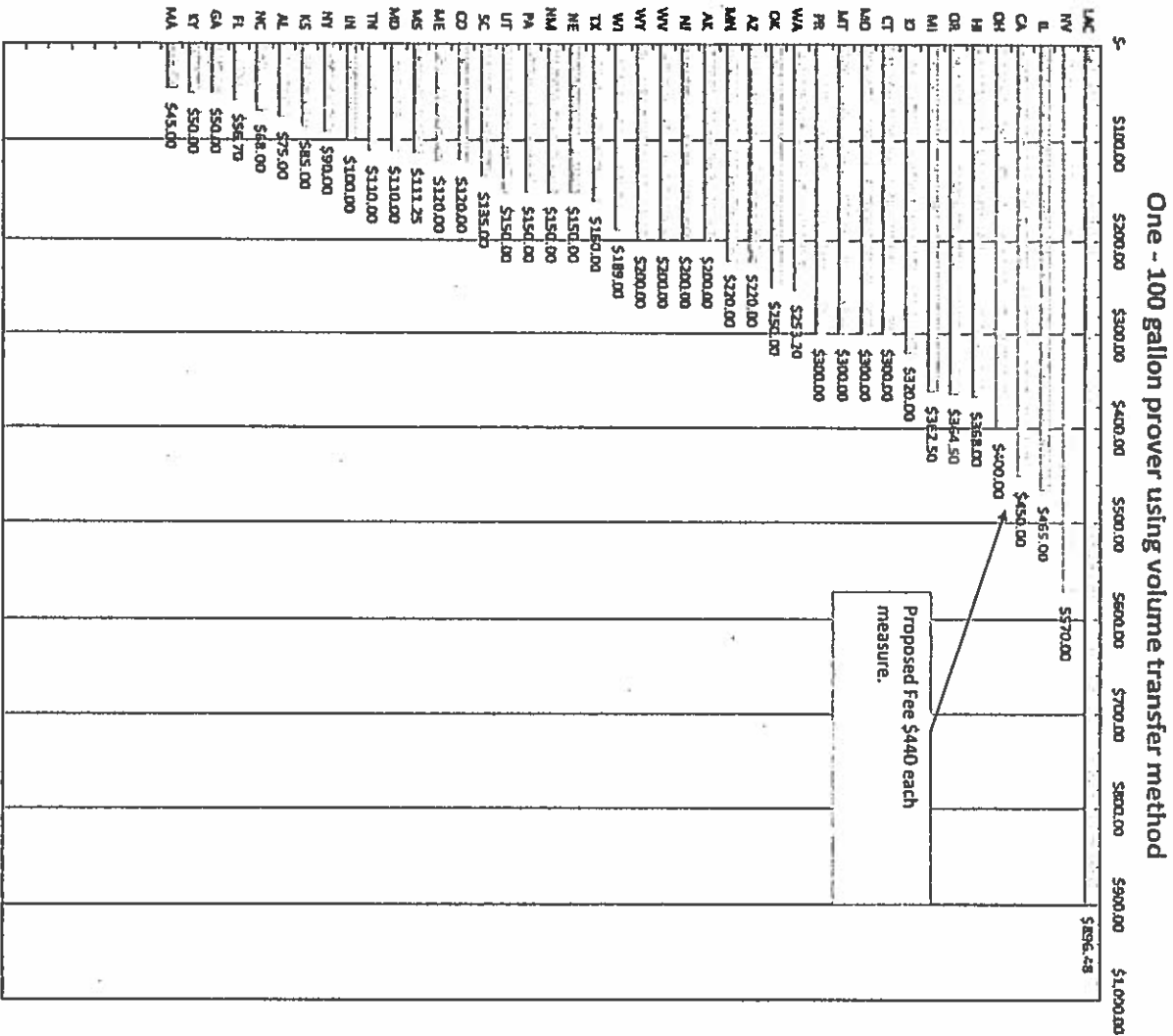


Figure 45: Fees charged for testing a 100 gallon field standard prover via volume transfer technique.

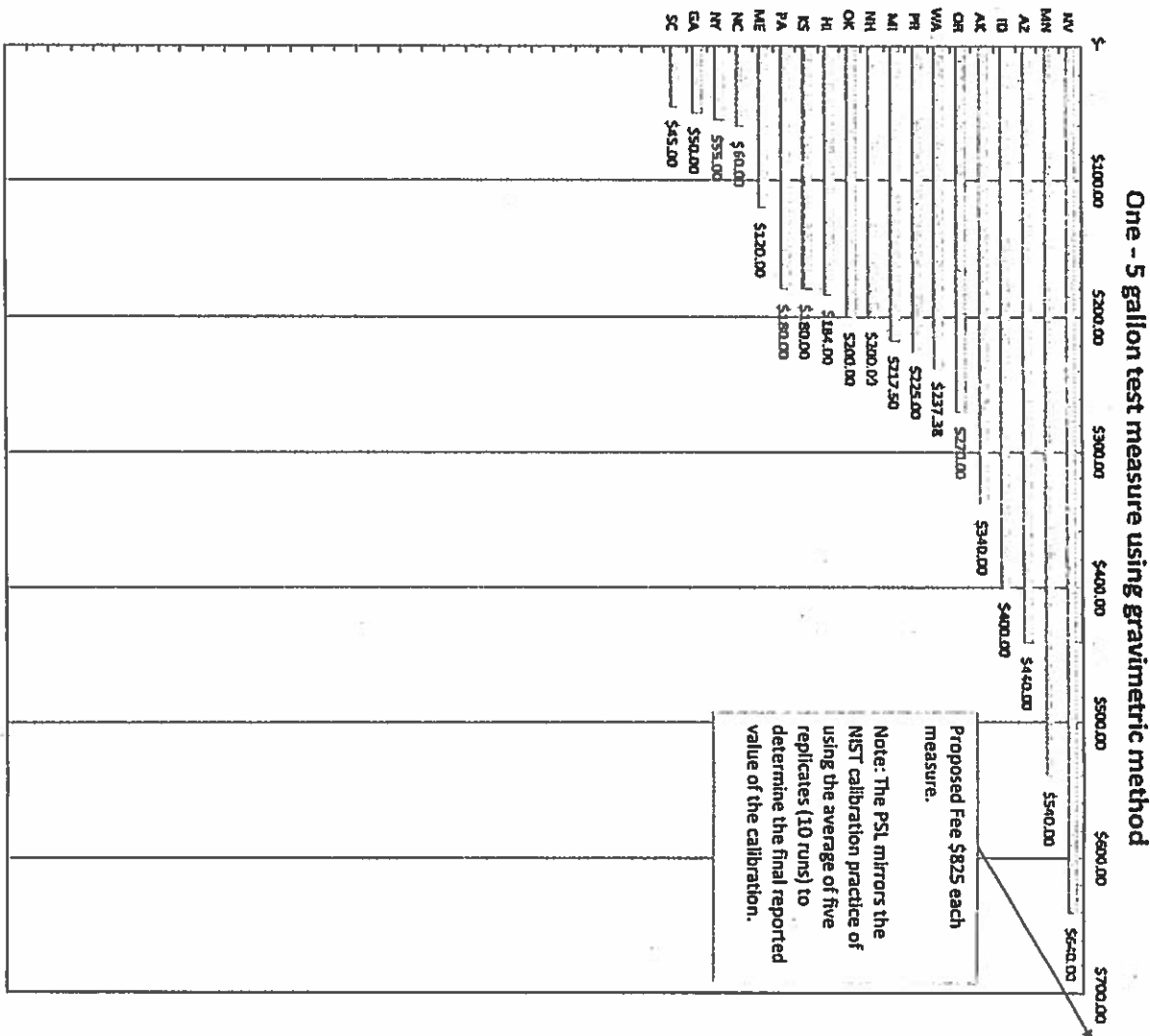


Figure 44: Fees charged for gravimetrically testing a 5 gallon field test measure.

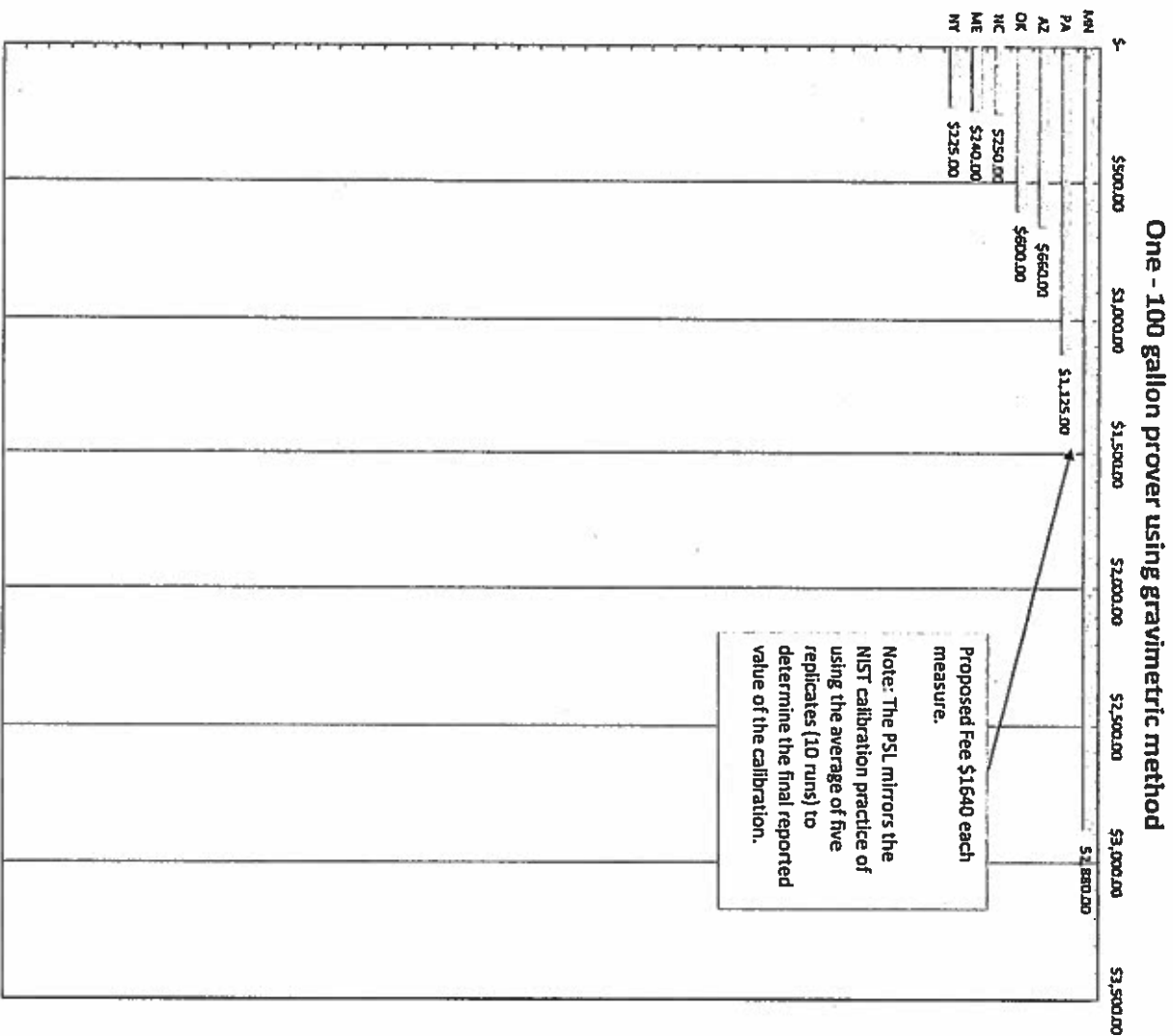


Figure 46: Fees charged for gravimetrically testing a 100 gallon field standard steel prover.

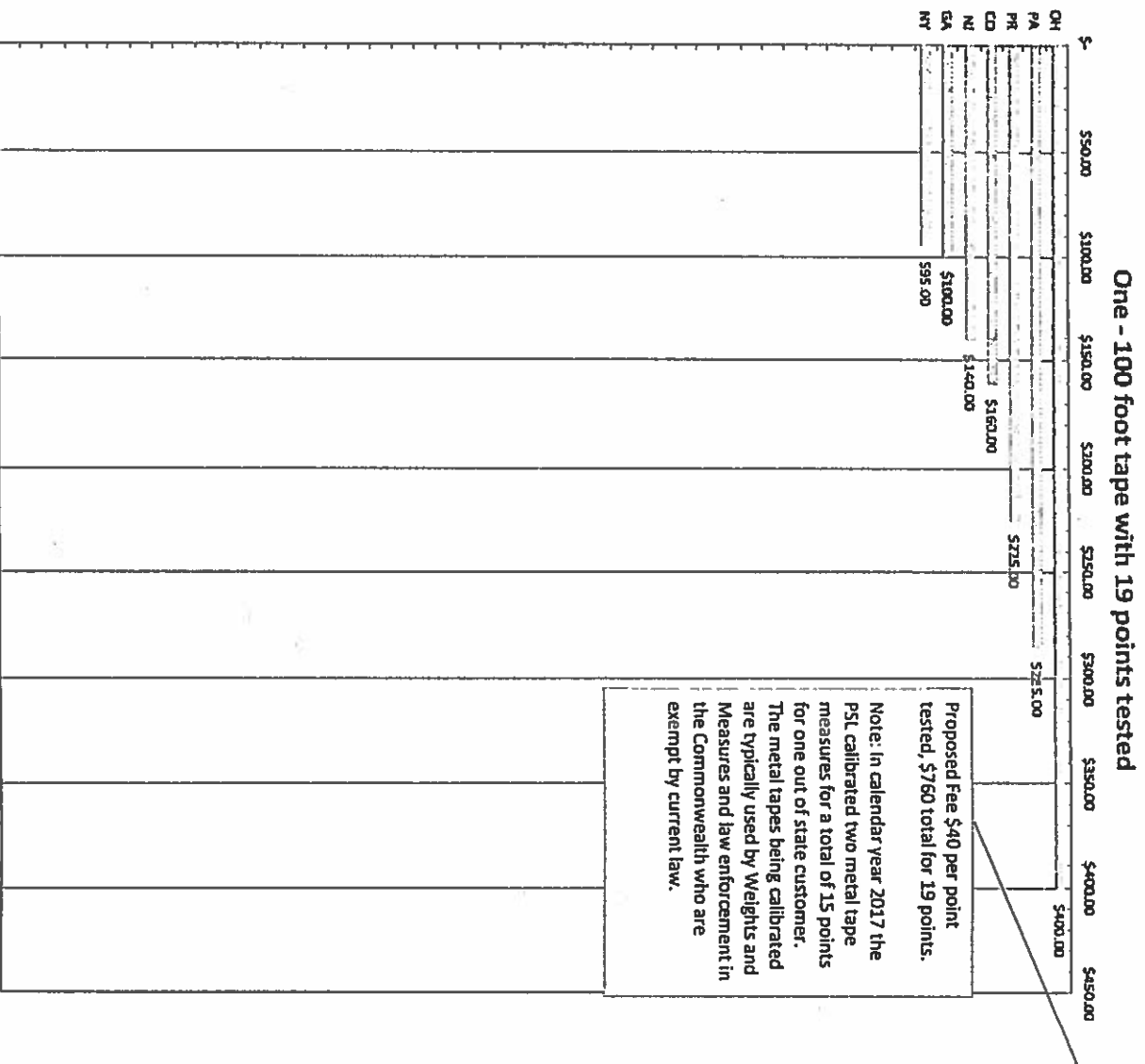


Figure 42: Fees charged for testing a steel 100 ft tape.

				Current Fee Schedule approved 11/4/10; however these fees were developed in 2006.		FY2019-20	
General Type of Test	Description	Original Fee Schedule approved October 2005	Current Fee Schedule approved November 2010	FY2019-20 Proposed Fee Schedule	Difference (Proposed Fees - Current Fees)	% Increase	
Precision Mass	ASTM Class "1", "2", "3" or "4" OIML Class "E2", "F1" and "F2" or best calibration not to a specific class. Range 1000 lb - 0.001 lb 30kg - 1 mg	Per Weight depending on class \$12/\$30	Per Weight \$30.00	\$65.00	\$35 Per Weight	117%	
Ordinary Mass, Small	NIST Class F ASTM "5", "6", "7" OIML - "M1", "M1-2", "M2", "M2-3", "M3" Range 10 lb - 0.001 lb 5 kg - 1 mg	\$2.00 (without adjustment) \$10.00 (with adjustment)	\$6.00 (without adjustment) \$10.00 (with adjustment)	\$20.00 (without adjustment) \$40.00 (with adjustment)	\$14.00 (without adjustment) \$30.00 (with adjustment)	233% 300%	
Ordinary Mass, Medium	NIST Class F ASTM "5", "6", "7" OIML - "M1", "M1-2", "M2", "M2-3", "M3" Range 100 lb -> 10 lb 50 kg -> 5 kg	\$5.00 (without adjustment) \$10.00 (with adjustment)	\$10.00 (without adjustment) \$20.00 (with adjustment)	\$20.00 (without adjustment) \$40.00 (with adjustment)	\$10.00 (without adjustment) \$20.00 (with adjustment)	100% 100%	
Ordinary Mass, Large	NIST Class F ASTM "5", "6", "7" OIML - "M1", "M1-2", "M2", "M2-3", "M3" Range 6000 lb -> 100 lb 2500 kg -> 50 kg	\$15.00 (without adjustment) \$25.00 (with adjustment)	\$20.00 (without adjustment) \$40.00 (with adjustment)	\$45.00 (without adjustment) \$70.00 (with adjustment)	\$25.00 (without adjustment) \$30.00 (with adjustment)	125% 75%	
Ordinary Mass, Weight Cart	Weight carts Range 2000 lb - 6000 lb	\$50.00 (includes adjustment)	\$210.00 (includes adjustment)	\$315.00 (includes adjustment)	\$105	50%	
Volume Transfer	Test Measures Range 5 gallon and 5 Liter- 20 Liter	\$15.00 (includes adjustment)	\$45.00 (includes adjustment)	\$120.00 (includes adjustment)	\$75	167%	
Volume Transfer	Provers Range 10 gallon - 100 gallon, 40 Liter - 378 Liter	\$50 - \$150 (includes adjustment)	\$150.00 (includes adjustment)	\$440.00 (includes adjustment)	\$290	193%	
Volume Transfer	Provers Range 101 gallon - 1500 gallon, 379 Liter - 5000 Liter	\$150.00 (includes adjustment) \$0.50 for every gallon over 100	\$150.00 (includes adjustment) \$1.00 for every gallon over 100	\$440.00 (includes adjustment) \$1.00 for every gallon over 100	\$290	193%	

General Type of Test	Description	Original Fee Schedule approved October 2005	Current Fee Schedule approved November 2010	FY2019-20 Proposed Fee Schedule	Difference (Proposed Fees - Current Fees)	% Increase
Gravimetric Calibrations	Metal Test Measures Range 1 gallon - 10 gallon & 5 Liter - 20 Liter	\$35.00 (includes adjustment)	\$180.00 (includes adjustment)	\$825.00 (includes adjustment)	\$645	358%
Gravimetric Calibrations	Metal Test Measures Range 11 gallon - 130 gallon & 21 Liter - 500 Liter	\$35.00 (includes adjustment)	\$180.00 (includes adjustment)	\$1,640.00	\$1,460	This is a new parameter that we recently added to our scope of accreditation
Length Calibrations	Metal tapes Range 0 - 200 feet	\$15.00	\$15.00	\$40.00	\$25	167%
Timing Devices	Stopwatches Range 0 - 24 hours	\$30.00	\$30.00	\$70.00	\$40	133%
Wheel Load Weighers	NIST Handbook 44 Class III Scales Range 0 - 20,000 lb	\$20.00	\$20.00	\$70.00	\$50	250%
Force Gauges	Range 0 - 50 lbf	N/A	N/A	\$180.00	N/A	This is a new parameter that we recently added to our scope of accreditation
Special Tests	Examples: 1. Serializing Weights 2. Test Measure Repair 3. Special Test Request 4. Special Invoicing Procedures 5. Non-Standard Mass Value Calibration Range A quote will be provided for all hourly services	\$75.00 per man hour	\$75.00 per man hour	\$75.00 per man hour	\$75.00 per man hour	N/A

Legend:	
W/out Adjustments	Within tolerance, complete testing once
With Adjustments:	Out of tolerance, requiring Lab to test twice, increasing cost due to: additional time, use of equipment & raw materials

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2019 JUN 18 P 2:42

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

By:

(Deputy Attorney General) •
Anthony J. S. Schett

DATE OF APPROVAL

JUN 05 2019

☒ Check if applicable
Copy not approved. Objections attached.

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

The Pennsylvania Department of General Services

DOCUMENT/FISCAL NOTE NO. 08-27

DATE OF ADOPTION 10/22/18

BY

Cory Topper
CORY TOPPER

TITLE

SECRETARY

Pennsylvania Department of General Services

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

BY

Marisa J. Z. Loh

APR 01 2019

DATE OF APPROVAL

(Deputy General Counsel)

(Chief Counsel—Independent Agency)

(Strike inapplicable title)

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

Notice of Proposed Rulemaking

**Title 70 – WEIGHTS, MEASURES AND STANDARDS
70 Pa. Code Section 110.2**

Metrology Calibration and Testing Fees

Title 70 – WEIGHTS, MEASURES AND STANDARDS

DEPARTMENT OF GENERAL SERVICES

[70 Pa. Code § 110.2]

State Metrology Laboratory fee schedule

The Department of General Services (DGS) proposes to amend Title 70 of the Pennsylvania Code by establishing Section 110.2 (State Metrology Laboratory fee schedule) to read as set forth in Annex “A.”

The proposed regulation increases the existing State Metrology Laboratory fees and updates description fields to accurately reflect the parameters and ranges covered under the National Institute of Standards and Technology (NIST) Office of Weights and Measures Certificate of Metrological Traceability and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation used by the State Metrology Laboratory.

Authority

The proposed regulation is authorized under 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. Section 4178 also provides that DGS shall alter these fees by regulation. This proposed regulation will increase fees to ensure the costs for the testing services rendered by the laboratory are borne by the parties who are receiving the services and not by the taxpayers.

Need for the Proposed Regulation

The proposed 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 in 2010. 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.

The regulation will increase the fees charged for metrology laboratory calibration, type evaluation and other services performed by the Laboratory. These fees were last increased in 2010. The amount of that increase was based upon average metrology fees charged by other state metrology laboratories in 2006. By the time the metrology laboratory began charging the fees that were increased by regulation in 2010, the fees collected were insufficient to cover the costs for the testing services rendered by the laboratory, and this trend continued. For example, in fiscal year 2014-15, the costs for the testing services rendered by the laboratory was \$615,560.98, and the fees collected totaled \$241,929.88, resulting in a shortfall of \$373,631.10. In fiscal year 2015-16, the cost to run the laboratory was \$665,647.01, and the fees collected totaled \$250,297.07, resulting in a shortfall of \$415,349.94. In fiscal year 2016-17, the cost to run the laboratory was

\$681,688.15, and the fees collected totaled \$292,421.85, resulting in a shortfall of \$389,266.30. In fiscal year 2017-18, the cost to run the laboratory was \$700,693.49, and the fees collected totaled \$247,403.86, resulting in a shortfall of \$453,289.63. Over the past four years, the metrology laboratory has had a total shortfall of \$1,631,536.97. This \$1,631,536.97 has not been borne by the primarily commercial customers of the laboratory. Instead, it has been borne by the taxpayers, and will continue to be borne by the taxpayers unless the fees are increased to cover this shortfall.

The regulation also updates the description fields to accurately reflect the parameters and ranges covered under the National Institute of Standards and Technology (NIST) Office of Weights and Measures Certificate of Metrological Traceability and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation used by the State Metrology Laboratory.

In summary, the DGS is satisfied there is a need for the proposed regulation, and that it is otherwise consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

Summary of the Proposed Regulation

The regulation will increase the fees charged for metrology laboratory calibration, type evaluation and other services performed by the Laboratory in order to cover the costs for the testing services rendered by the laboratory. DGS calculated each fee by averaging the fees reported from a 2013 survey DGS conducted of seven state- and one county-operated laboratories, then updating those averages by 16.71% which is the historical average fee increase calculated from data in the National Conference of Standards Laboratories State Laboratory Program Workload Surveys. DGS then rounded those fees to the nearest \$5.00. The regulation also updates description fields to accurately reflect the parameters and ranges used by the State Metrology Laboratory.

Persons Likely to be Affected

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighting and measuring devices will be charged fees according to the proposed fee schedule. All State Metrology Laboratory customers, including small businesses, have benefitted from the fees that have not increased since 2010 despite increasing personnel costs for State Metrology Laboratory employees and increasing costs to maintain or replace Laboratory equipment.

Updates to the description fields will accurately reflect the parameters and ranges used by the State Metrology Laboratory and should not affect any group or entity.

Fiscal Impact

Commonwealth

The estimated annual revenue to the Commonwealth (DGS) from the proposed regulation is approximately \$645,094. The proposed regulation should not result in additional costs to the Commonwealth.

Political Subdivisions

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 on the general public. However, the fee increase will ensure that the cost of performing State Metrology Lab testing services is borne by the parties who are receiving the services and not by the taxpayers.

Private Sector

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighting and measuring devices will be charged fees according to the proposed fee schedule. The anticipated fee per user is estimated to be \$1,405, which is a \$866 increase from the current \$539 average fee per user. All State Metrology Laboratory customers, including small businesses, have benefitted from the fees that have not increased since 2010 despite increasing personnel costs for State Metrology Laboratory employees and increasing costs to maintain or replace Laboratory equipment.

Paperwork Requirements

The proposed regulation will not result in an increase in paperwork for the Laboratory, which already is required to issue invoices, collect payments and transmit payments to 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. There will be no increase in paperwork for the regulated community.

Effective Date

The proposed rulemaking will be effective upon publication in the Pennsylvania Bulletin as final-form rulemaking.

Sunset Date

There is no sunset date for the proposed rulemaking. The Department will review the efficacy of this regulation on an ongoing basis.

Public Comment Period / Contact Person

Interested persons are invited to submit written comments regarding the proposed regulation within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to Mary W. Fox, Assistant Chief Counsel, Office of Chief Counsel, Department of General Services, 401 North Street, Room 603, Harrisburg, PA 17120, (717) 787-6789.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 18, 2019, DGS submitted a copy of this proposed rulemaking to the Independent Regulatory Review

Commission (IRRC), the Chairpersons of the House and Senate State Government Committees, and the Legislative Reference Bureau. In addition to submitting the proposed rulemaking, DGS has provided IRRC, the Committees, and the LRB with a copy of a detailed Regulatory Analysis Form prepared by DGS. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking by DGS, the General Assembly and the Governor.

Curtis M. Topper
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]calibration services:

General type of test	Description	Fee
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.] <u>ASTM or OIML Class weights calibrated by use of the Mass Code</u> <u>50 lb to 0.001 lb, 30 kg to 1 mg</u>	[\$30 per weight] <u>\$75 per man-hour</u>
Precision mass	[ASTM E617 Class 3 and 4 and OIML Class F1 and F2 to and including 30 kg. or 50 lb.] <u>ASTM Class 1, 2, 3, 4</u> <u>OIML Class E₂, F₁, F₂ or best calibration not to a specific class</u> <u>1000 lb to 0.001 lb</u> <u>30 kg to 1 mg</u>	[\$30] <u>65</u> per weight
Ordinary mass, <u>Small</u>	[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.] <u>NIST Class F</u> <u>ASTM 5, 6, 7</u> <u>OIML M₁, M₁₋₂, M₂, M₂₋₃, M₃</u> <u>10 lb to 0.001 lb</u> <u>5 kg to 1 mg</u>	[\$6] <u>20</u> per weight (without adjustment) [\$10] <u>40</u> per weight (with adjustment)

Ordinary mass, <u>Medium</u>	[NIST Class F and ASTM E617 Classes 5, 6 and 7 from 10 kg. or 20 lb. to 50 kg. or 100 lb.] <u>NIST Class F</u> <u>ASTM 5, 6, 7</u> <u>OIML M₁, M₁₋₂, M₂, M₂₋₃, M₃</u> <u>100 lb to >10 lb</u> <u>50 kg to >5 kg</u>	\$[10] <u>20</u> per weight (without adjustment) \$[20] <u>40</u> per weight (with adjustment)
Ordinary mass, <u>Large</u>	[NIST Class F and ASTM E617 Classes 5, 6 and 7 from 100 kg. or 200 lb. to 2500 kg. or 5500 lb.] <u>NIST Class F</u> <u>ASTM 5, 6, 7</u> <u>OIML M₁, M₁₋₂, M₂, M₂₋₃, M₃</u> <u>6,000 lb to >100 lb</u> <u>2,500 kg to >50 kg</u>	\$[20] <u>45</u> per weight (without adjustment) \$[40] <u>70</u> per weight (with adjustment)
Ordinary mass	Weight Carts <u>2,000 lb to 6,000 lb.</u>	\$[210] <u>315</u> per cart
Volume transfer	[5 gallon/20 liter test measures] <u>Test Measures</u> <u>5 gallon</u> <u>5 liter to 20 liter</u>	\$[45] <u>120</u> per measure (includes adjustment)
Volume transfer	[10 gallon to 50 gallon] <u>Provers</u> <u>10 gallon to 100 gallon</u> <u>40 liter to 378 liter</u>	\$[150] <u>440</u> per prover (includes adjustment)
[Volume transfer]	[51 to 100 gallon]	[\$150 per prover (includes adjustment)]
Volume transfer	[Greater than 100 gallon] Provers 101 gallon to 1,500 gallon 379 liter to 5,000 liter	\$[150] <u>440</u> plus \$1 per each additional gallon over 100 gallon (includes adjustment)
Gravimetric Calibrations	[Metal]Test Measures [to 5 gallon or 20 liter or 1 cubic foot] <u>1 gallon to 10 gallon</u> <u>5 liter to 20 liter</u>	\$[180] <u>825</u> per item

<u>Gravimetric Calibrations</u>	<u>Provers</u> <u>11 gallon to 130 gallon</u> <u>21 liter to 500 liter</u>	<u>\$1,640 per item</u>
Length Calibrations	Metal Tapes [or Rules] <u>to 200 feet</u>	[\$15] <u>40</u> per point tested
Timing Devices	Stopwatches <u>to 24 hours</u>	[\$30] <u>70</u> per item
Wheel Load Weighers	<u>NIST Handbook 44</u> <u>Class III Scales</u> <u>to 20,000 lb</u>	[\$20] <u>70</u> per scale
<u>Force Gauges</u>	<u>to 50 lbf</u>	<u>\$180 per gauge</u>
Special Tests		\$75 per man-hour

(d) *Payment of fees.* A nonrefundable deposit for the estimated fee shall be submitted when the [testing]calibration request is made. Fees are payable at the time the metrology service is provided, regardless of whether the item [tested]calibrated is certified or approved.

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

I.D. NUMBER: 8-27
SUBJECT: Metrology Calibration and Testing Fees
AGENCY: DEPARTMENT OF GENERAL SERVICES

TYPE OF REGULATION

☒ Proposed Regulation

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
2019 JUN 18 P 2:42

FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

HOUSE COMMITTEE ON STATE GOVERNMENT

6/19/19 Chamin Zurn

MAJORITY CHAIR Hon. Garth D. Zvuloff

6/18 Deborah K. Brady

MINORITY CHAIR Hon. Kevin J. Boyle

SENATE COMMITTEE ON STATE GOVERNMENT

6/18/19 Fullon Binner

MAJORITY CHAIR Hon. Mike Folmer

6/18 Stille

MINORITY CHAIR Hon. Anthony H. Williams

5/15/19 Steph. H.

INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL (for Final Omitted only)

6/18 Courine Inant

LEGISLATIVE REFERENCE BUREAU (for Proposed only)

June 7, 2019