



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES



OFFICE OF THE SECRETARY

717.787.5996

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Honorable Seth Grove
7 East Wing
PO Box 202196
Harrisburg, PA 17120-2196

Honorable Margo Davidson
38A East Wing
PO Box 202164
Harrisburg, PA 17120-2164

Chairman Grove and Chairwoman Davidson,

Thank you for providing me with the opportunity to follow-up on several of your questions from last Tuesday's informational meeting. Below find the questions asked by specific members during the meeting and the department's responses. We are happy to provide any additional information upon request.

Rep. Schemel: Why is it necessary to do calibrations as often as we do?

Pennsylvania Law mandates the frequency of testing performed by the Standards Laboratory as follows:

- *Individuals or businesses involved in the business of installing, servicing or repairing commercially used weighing and measuring devices must have their weighing and measuring devices verified for accuracy annually per 70 Pa.Code § 6.3:*

§ 6.3. Field standards.

(a) General requirement. An individual person who is employed or engaged in the business of installing, servicing or repairing commercially used weighing and measuring devices shall have, maintain and use field standards that are adequate to test and place weighing and measuring devices into commercial service, and otherwise meet the requirements of NIST Handbook 44, or a subsequent amendment thereof.

*(b) Adequate field standards. For purposes of this chapter, field standards will not be considered adequate for use in placing commercially used weighing and measuring devices into service unless there exists a verification of accuracy issued by the State Metrology Laboratory with respect to those field standards, and **the verification of accuracy was issued within 1 year preceeding use of the field standards.** This verification of accuracy may take the form of a "Report of Test for Weights and Measures Standards" or a similar document.*

- *Police departments involved in commercial weight enforcement (weighing trucks) are required to have their scales calibrated annually, per 75 Pa.C.S. § 4981(e):*

(e) Certification of accuracy of portable scales.

(1) *Portable scales shall be calibrated for the purpose of certification of accuracy by the Department of General Services. A certificate from the Department of General Services showing that portable scales were calibrated and found to be accurate shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this chapter is charged.*

(2) *Portable scales shall be calibrated as follows:*

(i) **Annually.**

(ii) *Following any event that could affect the accuracy of the portable scale or following repairs or failures. If a portable scale is calibrated under this subparagraph, the portable scale shall not need to be calibrated for a period of one year.*

(iii) *Following any event that could affect the accuracy of the portable scale or following repairs or failures. If a portable scale is calibrated under this subparagraph, the portable scale shall not need to be calibrated for a period of one year.*

- *Calibration frequency for police departments involved in speed enforcement (Stopwatches used in speed by timing, but not Radar guns used by the State Police) in the Commonwealth are required to have their stopwatches tested every 60 days, per 75 Pa.C.S. § 3368(d).*

(d) Classification, approval and testing of mechanical, electrical and electronic devices.--*The department may, by regulation, classify specific devices as being mechanical, electrical or electronic. All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made. The certification and calibration of electronic devices under subsection (c)(3) shall also include the certification and calibration of all equipment, timing strips and other devices which are actually used with the particular electronic device being certified and calibrated. **Electronic devices commonly referred to as electronic speed meters or radar shall have been tested for accuracy within a period of one year prior to the alleged violation. Other devices shall have been tested for accuracy within a period of 60 days prior to the alleged violation.** A certificate from the station showing that the calibration and test were made within the required period and that the device was accurate shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.*

- *Calibration frequency for commercial entities (typically manufacturing, other state laboratories and third-party calibration suppliers) that are not covered under any of the above statutes set their own calibration intervals based on their internal quality control systems. The Pennsylvania Standards Laboratory is ISO/IEC 17025:2017*

Accredited and the requirements set in the ISO/IEC 17025:2017 Standard do not allow for us to set calibration intervals for our customers.

ISO/IEC 17025:2017 Section 7.8.4.3 states as follows: A calibration certificate or calibration label shall not contain any recommendation on the calibration interval, except where this has been agreed with the customer.

Rep. Schemel: How do our fees compare to fees charged by other state laboratories?

The proposed fee schedule was developed based upon the actual costs to run the Laboratory. However, to assess whether the fees the Department developed were reasonable, we did a number of comparisons of our proposed fees to those charged by other jurisdictions. Those comparisons are outlined within the following Sections of the Regulatory Packet, as well as described in detail in the answer to question # 12 in the RAF (pages 17-19 of the provided pdf).

- *Cost comparisons for ten scenarios for lab calibrations for fees charged by other states in 2016 are set forth on pages 35-46 of the provided pdf.*
- *Cost comparisons for ten scenarios for lab calibrations for fees charged by other states in 2018 are set forth on pages 47-57 of the provided pdf.*
- *Cost comparisons for neighboring state labs are set forth on pages 58-59 of the provided pdf.*

Chairman Grove: What are we calibrating?

The Laboratory calibrates a variety of weights and measures; however the following are some specific examples of the items the Laboratory calibrates:

- *Precision weights used to calibrate precious metal scales and process control in manufacturing.*
- *Weights used to calibrate point of sales scales – from those found at all retail locations to medium capacity scales used in industrial settings.*
- *2000 to 6000 lb weight carts used to calibrate large platform scales.*
- *Wheel-load weighers used for axle weighing of commercial vehicles.*
- *5 to 1500 gallon volume measures used to calibrate gas pumps and load racks at tank farms.*
- *Steel tapes up to 200 ft. used for accident reconstruction and distance determination for speed enforcement.*

- *Stopwatches used by local police for speed enforcement.*
- *Push-pull gauges used by PSP to determine trigger pull weight.*

Chairman Grove: Who are our customers and what industries do they serve?

| PA-based | Out of State |
|-----------------|---------------------|
| 350 | 73 |
| 82.74% | 17.26% |

| Government | Private |
|-------------------|----------------|
| 165 | 258 |
| 39.01% | 60.99% |

The following are some examples of the customers we serve:

- *Sheetz Inc. – 5 gallon test measures for calibrating gas pumps;*
- *Mettler-Toledo, Inc. - 50 lb to 6000 lb weights for calibrating large capacity scales typically found at foundries, landfills, coal plants and concrete/blacktop plants;*
- *Ahold USA – 30 lb weight sets used to install and calibrate point of sale scales at all GIANT Food Stores locations;*
- *PSP Bureau of Patrol – 20,000 lb Wheel load weighers (scales) used for commercial truck enforcement; and*
- *State of Delaware, Department of Agriculture – Field test equipment used to enforce DE weights and measures laws.*

If requested, we are also happy to provide a comprehensive list of all the Laboratory’s 423 customers from 2020.

Rep. Brett Miller: Why didn’t DGS increase the fees sooner?

The Department of General Services has been pursuing a regulatory change to the fees since 2016.

The Department submitted a regulatory packet to IRRC in 2017 Regulation No. 8-27, IRRC # 3171, which would have included a one-time increase with yearly automatic fee adjustments. However, due to a clerical error, and after receiving feedback from the assigned Independent Regulatory Review Analyst regarding the methodology for calculating the automatic fee adjustment, the Department of General Services withdrew the regulatory package.

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The Department of General Services prepared a second regulatory package using a different methodology for the yearly automatic fee adjustment but after receiving additional concerns regarding the proposed methodology, decided to pursue a one-time fee increase.

This third proposed regulatory packet, which was filed with IRRC on June 18, 2019, is seeking a one-time fee increase. The Department commits to pursuing more frequent changes to its Laboratory fees in the future.

Rep. Ortitay: How has Covid-19 impacted the Laboratory?

In 2019 the laboratory performed services for 535 customers. In 2020, the Laboratory performed services for 423 customers. We attribute this 21% reduction in services to Laboratory staff being out for 12 weeks in 2020 due to Covid-19 workplace restrictions.

There is no impact to the proposed fee regulation due to Covid-19.

Sincerely,



Curt Topper
Secretary

cc: Janice Pistor, Chief Procurement Officer
Ken Hess, Deputy Secretary for Procurement
James Gownley, Laboratory Supervisor