Regulatory Analysis Form (Completed by Promulgating Agency)		EPENDENT REGULATORY REVIEW COMMISSION RECEIVED
(All Comments submitted on this marketing will appear on IRBCs which		
(1) Agency		MAY 25 2021
Department of General Services		Independent Regulatory Review Commission
(2) Agency Number: 08	IRRC	Number: 3737
Identification Number: 27		777 (
(3) PA Code Cite: 70 Pa. Code § 110.2		
(4) Short Title: Metrology Calibration and Testing Fe	es	
(5) Agency Contacts (List Telephone Number and Er	nail Address):	
Primary Contact: Mary W. Fox, Department of Generation Secondary Contact: Erin Verano, Department of Generat	ral Services, (717) 787- eral Services, (717) 346	-6789 5-7098
(6) Type of Rulemaking (check applicable box):		
Proposed Regulation	Emergency Certifi	cation Regulation;
X Final Regulation		by the Governor
		by the Attorney General
(7) Briefly explain the regulation in clear and nontech	nical language. (100 w	ords or less)
The regulation amends the State Metrology Laborator Services (Department) will charge for metrology labor performed by the Laboratory.	ry schedule of fees that ratory calibration, type	the Department of General evaluation and other services
The regulation also undates the description fields to	accurately reflect the	narameters and ranges covered
under the National Institute of Standards and Techn	ology (NIST) Office o	f Weights and Measures
Certificate of Metrological Traceability, and the NI	ST National Voluntary	Laboratory Accreditation
Program Scope of Accreditation.		
	1.1.	
(8) State the statutory authority for the regulation. Inc	slude specific statutory	citation.
Act of Dec. 18, 1996, P.L. 1028, No. 155, 3 Pa.C.S.	§4178 (the Act).	3.* J.
(9) Is the regulation mandated by any federal or stat	e law or court order, o	r federal regulation? Are there
any relevant state or federal court decisions? If yes, any deadlines for action	cite the specific law, o	case or regulation as well as,
Yes, Section 4178 of the Act provides that the Dep	partment shall charge	and collect fees for metrology
laboratory calibration, type evaluation and any othe	r testing services. Sect	ion 4178 also provides that the

Department shall alter these fees by regulation. This final 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 increase the fees charged for metrology laboratory calibration, type evaluation and other services performed by the Laboratory. This 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 Department is not seeking to profit from this fee increase; they are simply looking to shift the cost burden of running the Laboratory from the taxpayers (who do not receive the direct benefit of the Laboratory's services) to those entities that are commercially benefiting from its use. This increase should not be seen as a financial burden to those entities; rather it is "righting the ship" to place the burden on those who receive the benefit, which is clearly in the public interest.

Also, while the percentage of the increase is large, it is a reasonable increase for two reasons. First, the Department has demonstrated that the amount of the increase is necessary to cover the costs of running the Laboratory. Second, the parties that use the services provided by the Laboratory have benefitted from ten years of fees that were significantly lower than the actual costs to provide the services. Although the fees would be among the highest charged per our cost comparison study, those other jurisdictions that the Department used as a benchmark for their comparisons have not raised their fees since 2012 or 2013, suggesting that their fees may now be outdated based upon the continually increasing costs to run these types of laboratories.

In an effort to alleviate concerns raised by former House State Government Chairman Garth Everett in response to the Proposed Regulation, the Department invited Chairman Everett to the Laboratory and gave him a tour of its operations, explained its functions, and demonstrated its cost drivers. We believe that Metrology is not a field that many people understand, and many likely do not even know such a field exists. We hope that our meeting with Chairman Everett alleviated his concerns regarding the fee increase and helped him to understand why the fee increase is necessary.

Finally, the updates to the description fields will accurately reflect the parameters and ranges covered under the 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 proposed fee schedule was developed based upon the actual costs to run the Laboratory, as fully detailed in Fee Proposal and Justification for Cost Increase which is attached to this RAF.

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 as detailed below.

The Department completed two cost comparisons for ten separate scenarios for lab calibrations – for fees charged by other states in 2016 and 2018. *See*, Fee Proposal and Justification for Cost Increase, 2016 National Fee Comparison and 2018 National Fee Comparison tabs.

With regard to the comparison to the 2016 rates, in eight of those scenarios, Pennsylvania's proposed fees would be between the second and ninth highest fees of those states for which the Department 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.

With regard to the comparison to the 2018 rates, in seven of those scenarios, Pennsylvania's proposed fees would be between the second and seventh highest fees of those states for which the Department had information. For three of those scenarios, Pennsylvania's proposed fees would be the highest fee charged.

When reviewing the 2018 data, it may appear that other states' fees were reduced in some areas. However, the reason the fees appear to have been reduced was that the other laboratories removed that particular parameter from their laboratory scope of accreditation. For example, with regard to the Parameter Mass Echelon II, the 2016 reported average cost of calibration 21 weights was \$671.85. The 2018 reported average cost of calibration 21 weights was \$594.27 - overall a 12% percent reduction. The reason for this reduction was that three labs - California, Illinois and New Hampshire - removed this parameter in 2018, lowering the average. In addition, with regard to the Parameter Mass Echelon III (50 lb Test Weights), the 2016 reported average cost of calibration for 20 weights was \$351.98 compared to the 2018 reported average of \$336.72 - overall a 4% percent reduction. This reduction was caused by a 2016 reporting error by the Texas metrology laboratory that was not discovered until after the report was published.

The Department recognizes that its fees will be the highest, or close to the highest, fees charged for certain services by other states listed in the 2016 and 2018 NCSL International (formerly National Conference of Standards Laboratories) reports. However, these comparisons were only done to ensure our fees were roughly benchmarked compared to other laboratories. Due to the lack of a standard price index for metrology services, the Department provided the scenarios as evidence that our proposed fees made sense and there was agreement with other state laboratories conducting similar services. The NCSL report also provides the following guidance to keep in mind when evaluating fees data in the report, "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." Therefore, while the Department made comparisons to other states' laboratory fees as a benchmarking effort, a true apples-to-apples to comparison is extremely difficult. The Department also notes that many of the other state laboratory fees have likewise not been increased since the 2000s or have been increased since they were listed in the 2016 and 2018 NCSL reports.

Third, in September 2019, the Department also conducted a metrology fee survey of our neighboring state labs (Maryland, Ohio, New York, New Jersey and West Virginia). *See*, Fee Proposal and Justification for Cost Increase, Neighbor Labs Fee Survey 2019 tab. Below are the key points from our survey which demonstrate why our neighboring states' fees should only be used as a benchmark for the reasonableness of our Laboratory fees and should not be looked at as a direct comparison:

- 1. On average, our neighboring states' lab fees were last updated in 2008;
- 2. The New York state lab fee structure has not been updated since the fees were put in place in 1998;
- 3. The laboratory scopes and ranges of the fees charged by other states do not necessarily align with our scopes and ranges. For example, New Jersey cannot calibrate above 1,000 lbs. and Maryland does not calibrate above 50 lbs. However, Pennsylvania has a 6000 lb limit on the calibration weights. The additional range requires more standards and greater material handling capability, resulting in a greater cost; and
- 4. The calibration intervals in different states' Weights and Measures laws do not align. For example, New York requires calibration on Class F Weight Sets every five years, and West Virginia requires calibration on provers (liquid flow calibration device) over 400 gallons every five years, but Pennsylvania requires annual calibration for all items. Therefore, New York and West Virginia only suffer the loss every five years, while Pennsylvania suffers the loss every year.

The Department has not considered using Pennsylvania-based data for a number of reasons. We are the only state-run laboratory in Pennsylvania. The other metrology laboratories in Pennsylvania that the Department is aware of are typically lower-level labs that rely on the Pennsylvania laboratory for their own calibration. In addition, the scopes of accreditation for the Pennsylvania laboratory don't align with services provided by other Pennsylvania-based laboratories. For example, the Department is unaware of any Pennsylvania-based laboratories that conduct volume calibrations in Pennsylvania.

After completing those comparisons, the Department believes that its proposed fees are reasonable. It also believes the market will bear these increases without issue and that the increase 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 Laboratory. The Laboratory has a repeat customer base, which speaks to the quality of the services it provides. Commercial scale and petroleum companies from Maryland, New Jersey and Delaware also routinely use our Laboratory services due to the unavailability or limited size of the scopes of accreditation in their home states, despite the sometimes costly transportation and shipping costs for these commercial testing devices. However, these transportation costs are a necessary part of engaging in the business of selling, installing and repairing legal-for-trade weights and measures devices.

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

The companies using the Laboratory services can pass along their increase in costs to their customer base. Our Laboratory is ISO/IEC 17025 accredited laboratory and the calibrations provided are accepted nationally and internationally. In addition, in most cases commercial scale and petroleum companies are required to have their devices tested by an ISO/IEC 17025 accredited laboratory to satisfy their own accreditation requirements and work in industries where accredited calibrations are required. This calibration is an expense that is necessary to conduct business. These commercial scale and petroleum companies pass these calibration costs across their customer base since the commercial weights and measures devices are used to calibrate numerous devices each year. The Department believes the other companies using the Laboratory services will also pass the increased costs on to their customer base if necessary.

For all the above reasons, this increase is clearly in the public interest. It shifts the cost burden of running the Laboratory from the taxpayers (who do not receive the direct benefit of the Laboratory's services) to those entities that are commercially benefiting from its use.

(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 was developed to ensure the fees the Laboratory collect cover the costs to run the Laboratory.

To confirm that the fees we developed were reasonable, we compared our proposed fees to those charged by other jurisdictions as fully outlined in the answer to question (12) above.

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

increased fees. These commercial companies include: Troemner Inc., Rice Lake Weighing Systems and Imada Inc.

Due to the nature of this regulation as a fee increase, which is only intended to cover the costs of running the Laboratory, the Department did not seek input from the industry in the development of these regulations.

(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 1,559 services including services to approximately 523 commercial customers. The 1,559 services were performed on a total of 25,974 devices. Approximately seventy-six percent of those devices, or 19,740 devices, were for commercial customers. The remaining services were performed for customers who are exempt from paying metrology fees by law – Commonwealth agencies, cities, and counties. *See*, 70 Pa. Code §110.2. The Department has estimated that approximately 173 small businesses will be affected.

The anticipated total annual fees per user are estimated to be \$1,233, a \$736 increase from the current average total annual fees per user of \$497. 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 has estimated that approximately 173 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 \$384,982.91 increase from the prior year total annual fees of \$260,111.09.

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, purchases to maintain metrological traceability for laboratory standards, training required to maintain laboratory accreditation and necessary equipment replacement) associated with the Laboratory's services. This regulation would shift 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 \$645,094.00, which is a \$384,982.91 increase from the prior year total annual fees of \$260,111.09.

The anticipated total annual fees per user are estimated to be \$1,233.00 a \$736.00 increase from the current average total annual fees per user of \$497.00. 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:

FY2021-22 \$645,094.00 FY2022-23 \$645,094.00 FY2023-24 \$645,094.00 FY2024-25 \$645,094.00 FY2025-26 \$645,094.00

The anticipated total annual fees per user are estimated to be \$1,233, a \$736 increase from the current average total annual fees per user of \$497. 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.

(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 final form 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:

FY2021-22 \$384,982.91 FY2022-23 \$384,982.91 FY2023-24 \$384,982.91 FY2024-25 \$384,982.91 FY2025-26 \$384,982.91

The total savings from fiscal year 2021-2022 through fiscal year 2025-26 will be \$1,924,914.55.

The Department 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	\$384,982.91	\$384,982.91	\$384,982.91	\$384,982.91	\$384,982.91
Total Savings	0	\$384,982.91	\$384,982.91	\$384,982.91	\$384,982.91	\$384,982.91
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	\$701,509.06	\$735,898.19	\$728,769.70	\$751,537.05 (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 is unable to determine a definitive number of small businesses that will be affected by this regulation change; however, the Department has estimated that approximately 173 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 \$1,233.00, a \$736.00 increase from the current average total annual fees per user of \$497.00. 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 Laboratory 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 which are expected to increase every year 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 has not considered alternative regulatory methods to minimize an adverse impact on small businesses due to the nature of this regulation. The Department 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 conducted a survey of fees charged by reporting laboratories in the 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 averaged the fees reported from these laboratories for each parameter as the baseline fee. The Department 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 then rounded those fees to the nearest \$5. The Department used these twelve years in calculating the historical average fee increase because that was all of the published data available at that time. The Department's methodology in calculating the increase in this way was completed in good faith. In addition, the increased fees calculated based upon this methodology were sufficient to cover the Laboratory's anticipated costs starting in Fiscal Year 2021/22. The specific fees charged by the seven state operated laboratories and county laboratory are included in the Fee Proposal and Justification for Cost Increase, Baseline Fee Calculation tab.

The Department's methodology for calculating fees in this way is reasonable and in the public interest for the following reasons. First and most importantly, the fee increase would help to cover increasing costs (in the form of salary and benefit increases, purchases 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. This is important because the cost burden of running the Laboratory has, for the past 10 years, been borne by taxpayers who do not receive the direct benefit of the Laboratory's services. This fee increase would shift that burden to those entities that are commercially benefiting from its use (and who have benefitted from the low fees for the past 10 years). Finally, the fees are in line with fees charged by other jurisdictions as further outlined in the answer to question (12) above.

(29) Include a schedule for review of the regulation including:	
A. The length of the public comment period:	<u>N/A</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:	Spring 2021
D. The expected effective date of the final-form regulation:	Upon Publication
E. The expected date by which compliance with the final-form regulation will be required:	Upon Publication
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 implementation.	of the regulations after its
The Department of General Services will conduct an analysis at the end of e	ach fiscal year to ensure that

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. The Department will also make the commitment to closely monitor the fees and take steps to do fee adjustments in the future that are more incremental.

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</u> <u>calibrated by use of the Mass Code</u> 50 lb to 0.001 lb, 30 kg to 1 mg	[\$30 per weight <u>]\$75 per man-</u> <u>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</u> <u>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>,</u> <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> 5 kg to 1 mg	<pre>\$[6]20 per weight (without adjustment) \$[10]40 per weight (with adjustment)</pre>

Ordinary mass <u>,</u> <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 100 lb to >10 lb 50 kg to >5 kg</u>	<pre>\$[10]20 per weight (without adjustment) \$[20]40 per weight (with adjustment)</pre>
Ordinary mass <u>.</u> <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 6,000 lb to >100 lb</u> 2,500 kg to >50 kg	<pre>\$[20]45 per weight (without adjustment) \$[40]70 per weight (with adjustment)</pre>
Ordinary mass	Weight Carts 2,000 lb to 6,000 lb.	\$[210] <u>315</u> per cart
Volume transfer	[5 gallon/20 liter test measures] Test Measures 5 gallon 5 liter to 20 liter	\$[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] <u>Provers</u> <u>101 gallon to 1,500 gallon</u> <u>379 liter to 5,000 liter</u>	\$[150]<u>440</u> plus \$1 per each additional gallon over 100 [gallons] <u>gallon (includes</u> <u>adjustment)</u>
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</u> <u>Calibrations</u>	Provers <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] to 200 feet	\$[15]40 per point tested
Timing Devices	Stopwatches to 24 hours	\$[30] <u>70</u> per item
Wheel Load Weighers	<u>NIST Handbook 44</u> <u>Class IIII Scales</u> <u>to 20,000 lb</u>	\$[20] <u>70</u> per scale
Force Gauges	<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.

Pennsylvania Standards Laboratory Public Fee Schedule

Superal Tenn of Tert	Buscriphon	Eng
meneral spectruct	ASTM or OTM: Place would a still and	Contra della d
	use of the Mails Code	
Precision Stass		\$75 per manihour
ALL THAN THE STOR	30 to 1 me	
	ASTM Class 1, 2, 3, 4	MUST COMPANY AND A REPORT OF A DESCRIPTION
	OTML Class E_2 , F_1 , F_2 or best calibration not	
Frucision bluss	to a specific class	565 cer weight
	Forge 1000 Ib to 0.001 b	A DESCRIPTION OF THE PARTY OF
	30 kg to 1 mg	
	NIST Class F	520 petriversati in the advances
Ord name Mary Served	OTHE HI, HI 2, N. Mars. Ma	
Granting reasy, small		
	5 kg to 1 mg	A STATE OF THE OWNER
N	NIST Class F	S20 per weight with training
	ASTM 5 6 7 OHN N. M. M. M. M.	540 per voluçini pranazi almanın
Ordinary Hass, Medium	Concerning and a second	
Farm Tree to M	R and 100 lb to >10 lb	
	50 *g to >o kg tillST Class F	S-15 per weight whole adustries
- Standard Barry	ASTA 5, 6, 7	S70 per weight (with sid, userease)
Ont-nary Mass Large	OthiL M1, M1.9, M2, M2.3, M3	DELTH NEW MARKED PORTO TOTAL
and the state of the		DI CHALLER VILLER BRING C
	2500 kg >50 kg	
and a start of	Wieght Carts	Conversion and South and South and States and Stat
Ordinary Hass		SB15 DEF CBRL includes inclusioners)
	Renae 2000 to to 6000 kb Test Mensures	and the second s
Volume Transfer		S120 per medsure in Lines equilibred
	Range 5 Gallon, 5 Liter to 20 Liter	
	Provers	
Volume Transfor		\$220 ppr project weekees be under
	Funder: 10 Galon to 100 Gallon, 40 Litter to 378	
	Provers	
Volume Transfer		S440 plus S1 for each aduitional galon over 100 galon Locoreceptiment
	Fines 107 Gallon to 1500 Gallon, 379 Literso	
	Test Mnasures	
Gravimetric Calibrations	Resource California 10 Gallon, 5 Liter to 75 Liter	\$825 per num
V ALAU	Provers	
Gravimetric Calibrations	College 10 100 College 01 Langes 500	\$1,020 per item
I BER Zek III	Lier	A PROPERTY AND A PROPERTY
	Metal Tapes	HILL PROVIDE AND ADDRESS OF ADDRESS AND
Length Calibrations		\$40 per point lested
	Stoowarches	
Timing Devices		\$70 per sem
E Contraction Plane	Flander 0 to 24 hours	in the second
Million of a sel Million have	Class IIII Scales	
ATTREE FOOD MEIGHEIS		Sruper scale
	1 to 20,000 lb	the second s
Force Gauges		\$180 per cauce
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	1 Serializing Weights	
100000	3. Special Test Regue <u>st</u>	
Special Tests	4 Special Involcing Procedures	\$75 per manihour
	5 Non Standard Hass Value Calibration	THE DOCTORY OF THE PARTY OF
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Description	690 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200		FY2016-16 Current Fee Schedule		
	N STATISTICS	income	Exempt	Costs	Income
Commercial Customers	4	250,297.07 \$		S	\$ 292,421,85
Agencies that are exempt by the faw	**	5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	69,202.00	Stationary and the state of the state of the	Street of the second second second
Municipalities & Counties	**	5	30,330,00	5	\$ ************************************
Salary & Benefits	5 1000000000000000000000000000000000000	10 S		\$ 500,196.38	5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
P.Card ²	0	5 S 1 N - Common Common Section	ten - yes and any and a set	\$ 49,203.23	Survey and a survey of the survey of the
Equipment Depreciation ³		.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	14,852.85	
Equipment Replacement 4	5 2 2020 1020 1020 2	3 S		an alaration to the state of	
Training (Required to maintain certification)	5	S		\$ 2,410.12	5
Total Income	2 2022/00/202	250,297.07	99,532.00	\$ 666,462,58	\$ 292,421,85
Cost Recovery	and the state of the second	Solution and the second		52,49%	the second control of the second

Proposed Fee Schedule	BUILDED CONSIGNOUT HAVE DADED AND CONSIGNATION	Solice of control y card and the solid tracks in	safe	BALO AN ANGRANICAS IN AND
	and the second second second second	ALC: NOT A CONTRACT OF A CONTR	とうけいな エン・シュールない たいないない	
Commercial Customers		Even excercis in the case we take		OF STRUCTURE AND STRUCT
gencies that are exempt by the law	本を、御堂には、たいたい、 あたい 一般には あ	SA THE REPORT OF THE PARTY	あるというというないというないできたのです。	こと、「日本になったないためたい」」 しきない
Aunicipalities & Counties	「「「「「「「「「「」」」」	E. M. H. H. L. L. H. H. M. M. M. MANARAS	またいとう いたかいた またたいたい たいのかけ	のたけのたいというというないないないとうな
salary & Benefits'	ないなどのできますが、「おいろく」のない	Entry of the second	a the state of the state of the state of the state	なるななないというなど、「なない」の対応ないでいた。
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culoment Depreciation ³	A Society control of the second		ALCONTRACTOR STREET	
coupment Replacement *		Contraction of the second s	and the defension of the second second	
raining (Required to maintain certification)		and the second se	の第二日に、日本市民 おかたい 日本にある時代	and the second second second second
otal Income	REAL STATE STATES AND ADD STATES OF	General Account and the address	Wetwood States - Although the	のなるのないないないできたので、ないないないので
cost Recovery*		Sector and the sector and	Activity of the second s	when the provide a second at the second

² Expenses to maintain standards and peripheral equipment along with the purchase of raw materials to ensure we comply with ¹ DGS's Bureau of Financial Services provided the salary and benefits, P-Card and training costs for FY2015-16 through FY2019-20. The calculated average salary and benefits increases for FY2015-16 through FY2019-20 was 2.72%.

Notes

³ Straight-line equipment depreciation calculation = (Original Cost - Salvage Value) / Useful Life the ISO/IEC 17025:2017 standard.

⁴ Replace 10 obsolete mass comparators, see equipment replacement summary below for details. ⁵ FY2021-22 through FY2025-26 Cost Recovery Average = 102.93%

	Contra Desta Contra Contra Contra	Income	206,580.10	The state of the s	tol - and consultant 7, downing	North And and a state	Put - Contraction - Contraction - Contraction				265,586,10	
and the second se	The second second second second	Coets				640,391,25 \$	45,363.21 \$	14,652.85 \$	5	1,081.75 \$	701,509.06 \$	49.48%
Y2017-18	t Fee Schedule	Exempt	5	69,202.00 \$	30,330.00 \$	Same and a state of a state of the	5		and the second sec		99,532,00 \$	The share of the second s
A STATE OF	Current	Income	247,403.86 \$	5 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -	an and a second se	1000 1000 100 100 - 1000 1000 1000 1000	al care a construction - that is a second second	- 8	ALL SPACE STATES IN STREET	1	247,403.86 \$	「日本ない」のないは、「日本のない」の「日本ない」の「日本ない」の「日本のない」」
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72016-17	t Fee Schedule	Exampt		69,202.00 \$	30,330,00 \$	- 3	- 4		ALL REPORTS AND AND A PARTY AND A	•	99,532.00 \$	and the second and the second s
and the second second	Curren	Red Tool And Dive up	\$ PARTY OF PARTY	5	\$ 100 million (\$		\$ second second	-		5		Section Charles

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· S 244,846.55 S · S 260,111.09 · S 241,846.55 S <	· S 244,846.55 S · S · S 280,111.08 · S	• 5 244,846.55 5 • 5 • 5 00,111.00 • 5 0 5 0 5 0 5 260,111.00 • 5 0 5 0 5 5 5 5 5 5 • 5	CHEVER STREET	Costs	Income	Exempt	Costs	Income
··· 5 ··· 5 66,202.00 5 ··· 5 ··· 5 ···· 5 <	· 5 · 5 69,202.00 5 · 1 1 1 1 1 1 1 1 1 1 1 1	· 5 · 5 69,202.00 5 · · 1 1 1 1 1 1 1 1 1 1 1	1	Part and a state of the second se	244,848.55	12 + 240 0000 1000 1000 000 0000 121	24- 1997 William Water Barry & B. 19	\$ 200,111.05
1 2 30,330,00 5 666,191,41 5 5 666,191,41 5 6 6 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 1 1	1 2 2 30,330,00 5 66,191,41 5	1 2 2 30,330,00 5 666,191,11 5 5 5 1 35,811,45 5 - 5 <td< td=""><td>ALL CONTRACTOR</td><td>Structure and a structure of the</td><td>12 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -</td><td>\$ 69,202.00</td><td>(1) - 10</td><td>1 - Contraction of the second se</td></td<>	ALL CONTRACTOR	Structure and a structure of the	12 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -	\$ 69,202.00	(1) - 10	1 - Contraction of the second se
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49.62%	49.62%	49.62%	5	735,698.19	244,848.65	\$ 99,532.00	\$ 728,769,70	\$ 260,111.06
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FY2020-21	PLASAT REPAIRMENT OF A PLANT	これに、 というないというというないのですね	FY2021-22		
Current Fee Schedule	Same with surface of the second	and a first of the second of the second	Current Fee Schedule	A CONTRACT OF A	AT PLATE CONTRACTOR
Exempt	Costs	Income	Exempt	Costs	Income
5 ···· 5	ののの時間を見たいたちが、 一、 ちょう	260,111.09 \$		-	260.111.09
69,202.00 \$		2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	89,202.00 \$		
30'330.00 \$	A STATE AND A STATE AND A STATE STATE		30,330.00 \$		
1. S	686,366.22 \$	5 P		705,035,36 \$	
and a state of the second seco	50,517.98 \$	5		55,569,78 \$	
 A state state and state - all 	14,052.85 \$	5 .	5	14,662.86 \$	
	Sector Sector Sector Sector Sector Sector	5	5	88,817,40 \$	
Sub-Sale and we want of the set		Late & Superior American - Au 15 Lat		1,267.52 \$	
99,532.00	751,537.05 \$	260,111.09 \$	99,532,00 \$	865,342,93 \$	260,111,09
CALL IN MANY PLAN	47.85%			41.58%	Strange Line of the Strange Strange
And the state of the second of the second		EV307	1.23 Pronsed Fae Schedule		
		Income		Costs	home
Contraction and the second second		RAS DOA DO S	-	Cost F	
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The second second whether and the second second	State of the second	10 5 10 - V - V - V - V - V - V - V - V - V -	S -	705,035.38 \$	•
Contraction of the second seco	501 50 50 50 50 50 50 50 50 50 50 50 50 50	10-10-10-10-10-10-10-10-10-10-10-10-10-1		55,569.78 \$	
	5	100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100		14,662.85 \$	- Hora - Hora - Hora
	5 U.S	5 1		88,817.40 \$	
アレイでいたので、「「「「「「「」」	Partition of Statements of Control of Statements	1	100 S	1,267.52 \$	
A DE LA DE L	S	645,094.00 \$	281,985.00 \$	865,342.93 \$	645,094.00
CHUIL COMPACE TO A STATISTICS AND DATE	「「日本の」 にににはないにおいていないない 「日本人」になるのである	A REAL PROPERTY OF A REAL PROPER	A DE LA DE L	107 134	and the second s

	g costs Costs: Salary and Ben
FY2021-22 Noles	Salary and Benefits costs were increased by 2.72% from the previous FY. P-Card &Trains were increased by 10% from the previous FY.
	Costs:

		and a driver of the state of th	Sector State Contraction of the Sector	FY2023-24	
Current Fe	he Schedula			Current Fee Schedule	And a second and a second and a
Exe	ampt	Coets	Income	Exempt	Costs
State and Ac	\$.		260,111.09 5		
Contraction and the	69,202.00 \$	5	S IN THE REPORT OF A DESCRIPTION OF A DE	69,202.00 \$	The second second second second
The second s	30,330.00 \$	5	5 0.5-000 Million (1000 - 20) 5	\$ 00'020'00 \$	日本 ひかのうちの ないのうちん しいろいち
and a second second	*	724,212.34 \$	*		743,910.92
and a state of the state of the		61,126.76 \$	4	•	67,239.44
Constant and the second	S - S	14,652.65 \$			14,652.85
Martin Carl	1.5 101-10000000 40400.	96,628.00 \$			48,448.00
STREET STREET		1,304.27 \$	•		1,533.70
Constant and	99,532.00	898,014,22 \$	260,111.09 \$	99,532.00 \$	875,784.90
Consider the store	The state and the state of the state	40.05%	Strategies and the second strategies of	「「「「「「「「」」」」」」」」」」」」」」」」」」」」」」」」」」」」」	41.07%

FY2022-23	Proposed Fee Schedule	11 S 22 11 30	NUMBER OF THE PARTY OF THE PART	F73	023-24 Proposed Fee Schedule	
and the second	Exempt	A. C.	Costs	Income	Exempt	Costs
\$	P.L. PRODUCTION STORY OF MAN		57 ····	645,094.00 \$	· ·	
\$	192,485.00	\$	5	5	192,485.00 \$	A March and Stream and Stre
\$	89,500.00	5	•	•	89,500.00 \$	•
.5	ALL ALL ADDRESS OF STREET	\$	724,212.34 \$	* \$1 PR- 44600640000000000000000000000000000000		743,910.92
5	Contraction Second 19	\$	61,126.76 \$			67,239.44
5	State States and States and Control of States	5	14,652.85 \$			14,652.85
	No. 100 North States of the	5	96,628.00 \$	· ·		48,448.00
		\$	1,394.27 \$	5	•	1,533.70
49	281,965.00	5 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	898,014.22 \$	845,094.00 \$	281,985.00 \$	875,784,90
Street, south	San and a construction of the second	States and	103.24%		the second second second second	105.88%

FY2022-23 Notes		FY2023-24 Notes
costs were increased by 2.72% from the previous FY, P.Card & Training costs		Salary and Benefits costs were increased by 2.72% from the newforce EV B-Card & Trainlen costs
were increased by 10% from the previous FY.	Costs:	were increased by 10% from the previous FY.

Construction Decision	States and the states of the states	Costs	No. 200 State State State State	State and a state at a	Although the second second	784.930.04	27.956.78	14.652.85	20.444.00	1,856.77	903,242.30	39.62%			Costs		NAME ADDRESS OF TAXABLE PARTY.	A A REAL PROPERTY AND A RE	784,930.04	81,369,72	14,052.85	20,444.00	1,856.77	903,242.39	102.84%		
FY2025-26	ant Fee Schedule	Exempt	•	69,202.00 \$	30,330.00				1		99,632.00 \$			Proposed Fee Schedule	Exemple	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	192,485.00 \$	8 00:00 5	5		5	5 0 - C - C - C - C - C - C - C - C - C -		281,985.00 \$	States of the second second	2025-26 Kotes	
And a subscription with the cost of a particular of the	Curr	Income	260,111.09 \$		*						260,111,09 \$			FY2026-28	Income	645,094.00 \$	5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0				12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5 1 S 1 S	645,094.00 \$		-	
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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/system/files/documents/2019/12/04/2016-5LP-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.
- Indorations 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 nem 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 bourly rates. This provides each lab with a similar set of assumptions when quoting fees for the survey enabling a more meaningful companison of fee data between the individual SLP laboratories¹

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 frest quoted are based on in-state calibration work. Most of the member labs charge frest based solely on the measurement services provided, however, the following laborationes 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 sectoors 8-30 published in this report beginning on page 168

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Figure 36: Fees charge for calibrating a precision weight kit containing 21 tockvichal weights ranging from 100 g to 1 mg to ASTM Class 2 tolerances using echelon 11 testing techniques.



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 from 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 procedutes 5 Adjustments were assumed.



Figure 39: Fees charged for testing a set of 24 1,000 lb cast tron 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.

One-100 galon prover using volume transfer method

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

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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

2018 State Laboratory Program Workload Survey



Published by the NCSL International Legal Metrology Committee

btos ihwww.nist.gov/system/ides/documents/2019/12/03/2018/%205LP%20Workload%205urvey%202019Dec.pdf

Laboratory Fees (2018)

Description

This information is provided as guidance for SLP member laboratomes 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.
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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 bourly 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 laboratories¹⁴.

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.

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

					/	/	Proposed Fee 565 per	weight. \$1320 total for a 21	piece weight set										C- 15				
Fee Total	1.620.00	3.50	150.00	46.20	890.00	680.00	630.00	630.00	630.00	600.00	588.00	527.50	525.00	504.00	500.00	480.00	480.00	440.00	420.00	420.00	378.00	336.00	180.00
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[Mass Echelon III] One - 31 ib Class F weight kit (22 weights): 20 - 50 to weights (3 adjusted)

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Proposed Fee S20 per weight without adjustment, 540 per weight with adjustment. 5500 total for 20 pieces total with 5 adjustments.

24 - 1000 Ib weights (5 adjusted)

		/	/	/		rroposes ree 343 per weignt without adjustment, \$70 per	weight with adjustment. \$1205	adjustments.																										
Fees Total 1,800.00	1,200.00	1,080.00	1.073.80	860.00	960.00	942.50	864.00	858.00	844.00	820.00	816.00	748.00	\$ 720.00	650.00	612.00	604.00	600.00		800.00	580.00	580.00	580.00	540.00		468.00	450.00	15 396.00	364.00	360.00	330.00	300.00	12 240.00		100.01
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One - 100 gallon pr	9	I.	V	N S	ŽĪ		WA	0	F U	δ	ΕM	¥0	88	Ş	AN	ZZ	AK	Z	ξ	ξ	ME	ШZ	Ĕ	ΣZ	P A	5	ŝ	Z	0	SW	ŝ	Ľ	≿	S N	Ā	≻ (U Z	₹



One - 100 gatton prover using gravimetric method





Fee Proposal and Justification for Cost increase 1-15-21

			Current Fee Schedule approved 11/4/10; however these fees were developed in 2006.		FY2021-	22
General Type of Test	Description	Original Fee Schedule approved October 2005	Currant Fee Schedule approved Navember 2010	FY2021-22 Propeed Fee Schedule	Difference (Proposed	% 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	\$12/\$30 Per Weight depending on class	\$30.00 Per Weight	\$65.00	Per Weight	117%
Ordinary Maas, Small	Juka - 1 mg NIST Class F ASTM '5', "6', "7 OIML - "M1", "M1-2", "M2", "M2-3", "M3" Range 10 Ib - 0.001 Ib < Kn - 1 mn	\$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 Maas, Medlun	NIST Class F ASTM "5, "6", "7" OIML - "M1", "M1-2", "M2", "M2-3", "M3" Range 100 lb -> 10 lb 50 kc -> 5 ko	\$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) (with adjustment) (with adjustment)	100%
Ordinary Mass, Large	NIST Class F ASTM "5", "6", "7" OIML - "M1.2", "M2", "M2-3", "M3" Range 6000 b -> 100 b 2500 kn -> 50 kn	\$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 ib - 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 Ranoe 10 gallon - 100 gallon, 40 Litter - 378 Litter	\$50 - \$150 (includes adjustment)	\$150.00 (includes adjustment)	\$440.00 (includes adjustment)	\$290	%E61
Volume Transfer	Provers Range 101 gallon - 1500 galkon, 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 calison over 100	\$290	193%
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	Metal Test Measures	\$35.00	\$180.00	\$1,640.00	\$1,460	This is a new

3/16/2021

1 0/2

Fee Proposal and Justification for Cost increase 1-15-21

General Type of Test	Description	Original Fee Schedule approved Detwher 2005	Current Fee Schedule approved November 2010	FY2021-22 Proposed Fee Schedule	Difference (Proposed Fees - Current Fees)	% Increase
	Range 11 gallon - 130 gallon & 21 Liter - 500 Liter	(includes adjustment)	(includes adjustment)			parameter th recently add our scope accreditati
Length Calibrations	Metal tapes	\$15.00	\$15.00	\$40.00	\$25	167%
Timing Devices	Range 0 - 200 feet Stopwatches	\$30.00	00.0E\$	\$70.00	\$40	%EE1
Wheel Load Weighers	Range 0 - 24 hours Nast Handbook 44 Class TI11 Scales	\$20.00	\$20.00	\$70.00	\$50	250%
Force Gauges	Range 0 - 20,000 lb	NVA	WA	\$160.00	NN	This is a nev parameter that
	Range 0 - 50 lbf					recentry adde our scope o accreditatio
Special Tests	, Examples: 1. Stat Mesure Repair 2. Special Test Request 4. Special Trovicing Procedures 5. Non-Standard Mass Value Calibration 5. Non-Standard Wass 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	M
Levend:						
W/out Adjustments With Adjustments:	Within tolerance, complete testing once. Out of tolerance, requiring Lab to test twice, increasing cost due to: additional time, use of equipment & raw materials					

3/16/2021

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H	2013	\$535.00	\$374.00		\$1,224.00	\$500.00	\$80.00	\$160.00	\$320.00		\$285.00			
QW	2013	\$300.00	\$60.00	\$120.00	\$180.00	\$90.00	\$60.00		\$180.00					
×	2013	\$378.00	\$77.00	\$195.00	\$384.00	\$130.00	\$25.50		\$65.00					
VA	2013	\$525.00	\$70.00	\$127.00	\$580.00	\$168.75	\$20.00							
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	Public Fee Schedule	-	Maryland	0 h ó	New York	New Jersey	West Virginia	Average Fee
General Type of Test	Description	Fee	Fees updated 2007	Fees updated	Feet updated	Fees updated	Fees updated	
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Title 70 Chapter 110

http://www.pacode.com/secure/data/070/chapter110/chap110/oc.html

§ 110.2. State Metrology Laboratory fee schedule.

(a) General. The State Metrology Laboratory shall charge a fee for any testing services it provides under authority of the act. These services include actual metrology laboratory calibration, type evaluation and any other services it provides under authority of the act. (b) Exemptions.

(1) Agencies of the Commonwealth are exempt from having to pay any of the fees established in this section.

(2) A city or county which is required to procure standards of weights and measures and additional equipment in accordance with section 412.3 of the act (relating to city and county standards and equipment) to enforce the act is exempt from having to pay fees wit

Title 3, Chapter 41 - Section 4123

htto//www.legis.stale.pa.us/WU01A/IA/VCI/HTM/02/03 HTM § 4123. City and county standards and equipment.

(1) Procure at the expense of the city or county, as the case may be, such standards of weight and measure and such additional equipment to be used for the enforcement of the provisions of this subchapter in such dity on county as may be prescribed by the department. (a) Procurement of standards.-The mayor of each tity and the board of county commissioners of each county to which a delegation of powers and duties has been effected pursuant to section a121 (relating to powers and duties of director and inspector) shall. (2) Provide a suitable office for the sealer.

Make provisions for the necessary clerked services, supplies and transportation and for defraying contingent to the official activities of the sealer in carrying out the provisions of this subchapter.
 Official-When the standards of weight and messure required by this section to be provided by a city or county shall have been examined and approved by the department, they shall be the official standards for the city or county.
 Official-When the standards of while section to be provided by a city or county shall have been examined and approved by the department, they shall be the official standards for the carry or county.
 Official-When the standards of a higher order belonging to have made, at least as frequently as once a year, compations between his field standards and appropriate standards of a higher order belonging to his city ar county, as the case may be, or to the Commonwe

Independent Regulatory Review Commission (IRRC)

http //www.inc.state.pa.us/docs/2798/AGENCY/2796FF.pdf Regulation #8-14

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-alth in order to maintain the field standards in accurate condition

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FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU			Independent Regulatory Review Commission	
(Pursuant to Commonwealth Documents Law)		DO NOT WRITE IN THIS SPACE		
Copy below is hereby approved as to form and legality Attorney General	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 NO08 27 DATE OF ADOPTION		Copy below is netery approved as to form and legality Executive or Independent Agencies BY UldUul C VarUtash	
By (Deputy Attorney General)			May 3, 2021 Date of Approval	
DATE OF APPROVAL			(Deputy General Gourse) (<u>Chiel Coursel - Independent Agency</u>) (Strike mappicable tite) Ver Check if applicable. No Attorney General Approval	
িশ্ৰ Check if appicable Copy not approved Objections attached	BY CODIT & CARE TITLE SECRETARY Pennsylvania Departme			or objection within 30 days after submission

Notice of Final 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 and the Department) amends Title 70 of the Pennsylvania Code by amending Section 110.2 (State Metrology Laboratory fee schedule) to read as set forth in Annex "A."

The 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 final 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 final 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 Final Regulation

The final regulation fulfills the statutory requirement that DGS establish, charge, and collect the fees described in the Act (in section 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 fees for the services provided that ensure 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 2016-17, the cost to run the laboratory was \$682,503.69, and the fees collected totaled \$292,421.85, resulting in a shortfall of \$390,081.84. In fiscal year 2017-18, the cost to run the laboratory was \$701,509.06, and the fees collected totaled \$247,403.86, resulting in a shortfall of \$454,105.20. In fiscal year 2018-19, the cost to run the laboratory was \$735.898.19, and the fees

collected totaled \$265,586.10 resulting in a shortfall of \$470,312.09. In fiscal year 2019-20, the cost to run the laboratory was \$728,769.70, and the fees collected totaled \$244,846.55, resulting in a shortfall of \$483,923.15. Over the past four years, the metrology laboratory has had a total shortfall of \$1,798,422.28. This \$1,798,422.28 has not been borne by the primarily commercial customers of the laboratory who have benefited from the low fees charged by the Laboratory for the past ten years. 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 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 final regulation, and that it is otherwise consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

Summary of the Final 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 (NCSL) State Laboratory Program Workload Surveys. DGS then rounded those fees to the nearest \$5.00. DGS benchmarked these fees against fees charged by other jurisdictions and commercial companies. While the proposed fees will be higher than the fees charged by some states in some instances, many other states' fees have also not been increased in many years. In addition, the fees charged by commercial companies are generally higher than the proposed fees.

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 final regulation is approximately \$645,094. The final 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 final 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 \$1,233, which is a \$736 increase from the current \$497 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 final 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 section 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 rulemaking will be effective upon publication in the Pennsylvania Bulletin as finalform rulemaking.

Sunset Date

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

Public Comment Period

During the public comment period, DGS received one comment from the former House State Government Committee Chairman Representative Garth Everett, who raised concerns regarding the magnitude of the proposed fees and their impact on small businesses. In an effort to alleviate House State Government Chairman Garth Everett's concerns, DGS invited Chairman Everett to the Laboratory and gave him a tour of its operations, explained its functions, and demonstrated its cost drivers. DGS believes that Metrology is not a field that many people understand, and many likely do not even know such a field exists. DGS hopes that the meeting with Chairman Everett alleviated his concerns regarding the fee increase and helped him to understand why the fee increase is necessary. Also, notwithstanding Chairman Everett's concerns, this fee increase is necessary to ensure that the increasing costs to run the Metrology Laboratory are no longer borne by the taxpayers but are instead borne by those entities that directly benefit from the Metrology Lab's services and who have benefitted from ten years of low fees.

IRRC Comment/Response

The Department states in response to RAF #10 that the regulation will allow the Commonwealth to charge an appropriate fee for the services provided, this ensuring that the cost of performing these testing services is borne by the parties who are receiving the services and not by taxpayers. The Preamble states that over the past four years, the State Metrology Laboratory (Laboratory) has had a total shortfall of approximately \$1.6 million. Based on the Department's response to RAF #15, we note that the fees appear to be increasing on average by 160 percent. While we recognize that the Department is statutorily required by Section 4178 of the Consolidated Weights and Measures Act to charge and collect fees for actual metrology laboratory calibration, type evaluation and any other testing services which may be rendered (3 Pa.C.S. § 4178), this increase is significant. House State Government Chairman Garth Everett comments that Pennsylvania's fees would be among the highest in the cost comparison study submitted by the Department. We ask the Department to explain how the economic impact of the fees and the percentage increase of fees are reasonable and in the public interest.

DGS recognizes that these fee increases are substantial. However, the regulation will simply 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. DGS is not seeking to profit from this fee increase; they are simply looking to shift the cost burden of running the Laboratory from the taxpayers (who do not receive the direct benefit of the Laboratory's services) to those entities that are commercially benefiting from its use. This increase should not be seen as a financial burden to those entities; rather it is "righting the ship" to place the burden on those who receive the benefit, which is clearly in the public interest.

Also, while the percentage of the increase is large, it is a reasonable increase for two reasons. First, the increase is necessary to cover the costs of running the Laboratory. Second, the parties that use the services provided by the Laboratory have benefitted from ten years of fees that were significantly lower than the actual costs to provide the services. Although the fees would be among the highest charged per our cost comparison study, those other jurisdictions that DGS used as a benchmark for their comparisons have not raised their fees since 2012 or 2013, suggesting that their fees may now be outdated based upon the continually increasing costs to run these types of laboratories.

In an effort to alleviate House State Government Chairman Garth Everett's concerns, DGS invited Chairman Everett to the Laboratory and gave him a tour of its operations, explained its functions, and demonstrated its cost drivers. We believe that Metrology is not a field that many people understand, and many likely do not even know such a field exists. We hope that our meeting with Chairman Everett alleviated his concerns regarding the fee increase and helped him to understand why the fee increase is necessary.

DGS also recognizes that the need for such a significant increase is due in a large part to DGS not seeking more incremental fee increases over the past ten years. To avoid the need for such a substantial increase in the future, DGS commits to conducting 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. DGS will also make the commitment to closely monitor the fees and take steps to do fee adjustments in the future that are more incremental.

In response to RAF #28, the Department explains that in October 2013, the Department calculated the average of the fees charged by seven state laboratories (California, Hawaii, Missouri, Oklahoma, South Carolina, Virginia and Vermont) and one county laboratory (Los Angeles County, California) over a twelve-year period for each parameter and used that as the baseline fee. The Department then updated those average baseline fees by a calculated historical average fee increase of 16.71 percent (using data from 2000 to 2012 biennial NCSL State Laboratory Program Workload Surveys) to determine the fees in the proposed regulation. It has been six years since the Department's last fee increase; why is the Department using a 12-year average rather than a six-year average? We ask the Department to provide the specific fees charged by the labs in the seven states and one county, and to show how each fee in the final-form regulation is calculated and that each fee is in line with the other states. Additionally, we ask the Department to explain why the method used for calculating fees in the final-form regulation is reasonable and in the public interest.

In October 2013 DGS conducted a survey of fees charged by reporting laboratories in the 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. DGS averaged the fees reported from these laboratories for each parameter as the baseline fee. DGS 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. DGS then rounded those fees to the nearest \$5. DGS used the twelve years in calculating the historical average fee increase because that was all the published data available at that time. DGS's methodology in calculating the increase in this way was completed in good faith. In addition, the increased fees calculated based upon this methodology were sufficient to cover the Laboratory's anticipated costs starting in Fiscal Year 2021/22.

The specific fees charged by the labs in the seven states and one county, and the methodology showing how each fee in the final-form regulation is calculated and is in line with the other states, are set forth in the Fee Proposal and Justification for Cost Increase workbook. The tabs in this workbook provide calculations outlining both the historical and projected shortages by fiscal year if the current fees were to remain in place, a projected calculation of the amounts in which the proposed fees would cover the Laboratory's costs, national fee comparisons

for 2016 and 2018, an analysis of the difference between the current and proposed fees, a description of how the baseline fees were calculated, a historical change table showing the average fee increases over a 10 year period for laboratories participating in the state laboratory program workload survey, and a survey of fees charged by laboratories in neighboring states.

DGS's methodology for calculating fees in this way is reasonable and in the public interest for the following reasons. First and most importantly, the fee increase would help to cover increasing costs (in the form of salary and benefit increases, purchases 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. This is important because the cost burden of running the Laboratory has, for the past 10 years, been borne by taxpayers who do not receive the direct benefit of the Laboratory's services. This fee increase would shift that burden to those entities that are commercially benefiting from its use (and who have benefitted from the low fees for the past 10 years). Finally, the fees are in line with fees charged by other jurisdictions as further outlined in Fee Proposal and Justification for Cost Increase, Baseline Fee Calculation tab.

In response to RAF #12, the Department states that the proposed fees are in line with fees charged by the labs in the seven states and one county referenced above. Why did the Department choose those states rather than states surrounding Pennsylvania? Did the Department consider using Pennsylvania-based data? The Department states in the Preamble that the 2010 fee increases were based on data from other states, as well, and, as indicated by the approximately \$1.6 million deficit, were inadequate to meet the cost to run the Laboratory. We ask the Department to evaluate the use of data specific to Pennsylvania in determining the fees in the final-form regulation, and to explain why the data used for calculating fees in the final regulation is reasonable and in the public interest.

When DGS first considered pursuing a fee increase in 2013, we conducted a survey of all state labs and decided to use the labs that raised their fees in 2012 and 2013 as the baseline for our survey, which is the reason for choosing the seven states and one county laboratory to use as a comparison benchmark. Since those fees had been recently evaluated at the time, we were hopeful they would be reflective of the amounts required to cover those state laboratories' costs.

In September 2019, DGS also conducted a metrology fee survey of our neighboring state labs (Maryland, Ohio, New York, New Jersey and West Virginia). See, Fee Proposal and Justification for Cost Increase, Neighbor Labs Fee Survey 2019 tab. Below are the key points from our survey which demonstrate why our neighboring states' fees should only be used as a benchmark for the reasonableness of our Laboratory fees and should not be looked at as a direct comparison:

- 1. On average, our neighboring states' lab fees were last updated in 2008;
- 2. The New York state lab fee structure has not been updated since the fees were put in place in 1998;
- 3. The laboratory scopes and ranges of the fees charged by other states do not necessarily align with our scopes and ranges. For example, New Jersey can't calibrate above 1,000 lbs. and Maryland doesn't calibrate above 50 lbs. However, Pennsylvania has no limits on

the calibration weights. The additional range requires more standards and greater material handling capability, resulting in a greater cost; and

4. The calibration intervals in different states' Weights and Measures laws do not align. For example, New York requires calibration on Class F Weight Sets every five years, and West Virginia requires calibration on provers (liquid flow calibration device) over 400 gallons every five years, but Pennsylvania requires annual calibration for all items. Therefore, New York and West Virginia only suffer the loss every five years, while Pennsylvania suffers the loss every year.

DGS has not considered using Pennsylvania-based data for a number of reasons. We are the only state-run laboratory in Pennsylvania. The other metrology laboratories in Pennsylvania that DGS is aware of are typically lower-level labs that rely on the Pennsylvania laboratory for their own calibration. In addition, the scopes of accreditation for the Pennsylvania laboratory do not align with services provided by other Pennsylvania-based laboratories. For example, DGS is unaware of any Pennsylvania-based laboratories that conduct volume calibrations in Pennsylvania.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 18, 2019, the Department submitted notice of this proposed rulemaking, published at 49 P.B. 3313 on June 29, 2019, to IRRC and the Chairpersons of the House State Government Committee and Senate State Government Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the House State Government Committee and Senate State Government Committee were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC and the House State Government Committee and Senate State Government Committee. DGS did not receive any comment from the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on ______, the final-form rulemaking was approved by the Senate State Government Committee. On ______, the final-form rulemaking was approved by the House State Government Committee. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____ and approved the final-form rulemaking.

Contact Person

Additional information may be obtained by contacting Mary Fox, Assistant Chief Counsel, Pennsylvania Department of General Services, North Office Building, 401 North Street, Room 603, Harrisburg, PA 17120 or via email at <u>maryfo@pa.gov</u>.

Findings

The Department of General Services finds that:

- (1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1969 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.
- (3) The increases to 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 are necessary and appropriate for administering and enforcing the authorizing act identified in this Preamble.

Order

The Department of General Services therefore ORDERS:

- (A) The regulations of the Department of General Services, 70 Pa. Code § 110.2, are amended to read as set forth in Annex A.
- (B) The Department of General Services shall submit this order and Annex A to the Office of Attorney General and Office of General Counsel for approval as required by law.
- (C) The Department of General Services shall submit this final-form regulation to IRRC and the Legislative Standing Committees as required by law.
- (D) The Department of General Services shall certify this final-form regulation, as approved for form and legality, and shall deposit it with the Legislative Reference Bureau as required by law.
- (E) The regulations shall take effect immediately upon publication in the Pennsylvania Bulletin.

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 QIML Class weights</u> <u>calibrated by use of the Mass Code</u> 50 lb to 0.001 lb, 30 kg to 1 mg	[\$30 per weight <u>]\$75 per man-</u> <u>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</u> <u>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>.</u> <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> 10 lb to 0.001 lb 5 kg to 1 mg	<pre>\$[6]20 per weight (without adjustment) \$[10]40 per weight (with adjustment)</pre>

Ordinary mass <u>,</u> <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 100 lb to >10 lb 50 kg to >5 kg</u>	<pre>\$[10]<u>20</u> per weight (without adjustment) \$[20]<u>40</u> per weight (with adjustment)</pre>
Ordinary mass <u>.</u> <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 6,000 lb to >100 lb 2,500 kg to >50 kg</u>	<pre>\$[20]45 per weight (without adjustment) \$[40]70 per weight (with adjustment)</pre>
Ordinary mass	Weight Carts 2,000 lb to 6,000 lb.	\$[210] <u>315</u> per cart
Volume transfer	[5 gallon/20 liter test measures] Test Measures 5 gallon 5 liter to 20 liter	\$[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] <u>Provers</u> <u>101 gallon to 1,500 gallon</u> <u>379 liter to 5,000 liter</u>	\$[150] <u>440</u> plus \$1 per each additional gallon over 100 [gallons] <u>gallon (includes</u> <u>adjustment)</u>
Gravimetric Calibrations	[Metal]Test Measures [to 5 gallon or 20 liter or 1 cubic foot] <u>1 gallon to 10 gallon</u> 5 liter to 20 liter	\$[180] <u>825</u> per item

<u>Gravimetric</u> <u>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] to 200 feet	\$[15] <u>40</u> per point tested
Timing Devices	Stopwatches to 24 hours	\$[30] <u>70</u> per item
Wheel Load Weighers	NIST Handbook 44 Class IIII Scales to 20,000 lb	\$[20] <u>70</u> per scale
Force Gauges	<u>to 50 lbf</u>	\$180 per gauge
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.



COMMONWEALTH OF PENNSYLVANIA OFFICE OF GENERAL COUNSEL DEPARTMENT OF GENERAL SERVICES Office of Chief Counsel 603 North Office Building Harrisburg, Pennsylvania 17125

PHONE: (717) 787-6789 FAX: (717) 346-7117 E-MAIL ADDRESS: maryfo@pa.gov

May 25, 2021

David Sumner, Executive Director Independent Regulatory Review Commission 333 Market Street, 14th Floor Harrisburg, Pennsylvania 17101

> Re: NOTICE OF FINAL FORM RULEMAKING Department of General Services 70 Pa. Code § 110.2 State Metrology Laboratory fee schedule I.D. No. 08 – 27

Dear Mr. Sumner:

Enclosed is a final form regulation relating to the fees charged by the State Metrology Laboratory for calibration, type evaluation and other testing services.

Section 4178 of the Consolidated Weights and Measures Act requires that DGS establish, by regulation, fees for metrology laboratory calibration, type evaluation and other testing services. 3 Pa.C.S. § 4178. Currently, the State Metrology Laboratory (Laboratory) provides these services based upon a fee schedule established in 2010, which fees are insufficient to cover the costs associated with the administration of the Laboratory.

The final 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, which are used by the State Metrology Lab.

The final regulation is consistent with Executive Order 1996-1 (titled *Regulatory Review* and *Promulgation*). It will ensure that taxpayer dollars are not used to pay for testing by the Laboratory when user fees are statutorily authorized and required.

The final regulation shall implement Section 4178 of the Consolidated Weights and Measures Act (3 Pa.C.S. § 4178) (Act). The final regulation is offered under authority of Section 4178 of the Act (3 Pa.C.S. § 4178), which requires DGS to establish, by regulation, 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,

Mary W. Jox Mary W. Fox

Mary W. Fox Assistant Chief Counsel

Enclosure

RE: DGS Final-Form Regulatory Package #08-27

Fry, Trish <tfry@pasen.gov>

Tue 5/25/2021 2 25 PM

To: Kiessling, Jordan <jkiessling@pa.gov> Cc: Sembach, Fred <fsembach@pasen.gov>

Thank you Jordan. The rulemaking package was received by Senator Argali's Office.

Trish

From: Kiessling, Jordan <jkiessling@pa.gov> Sent: Tuesday, May 25, 2021 2:19 PM To: Fry, Trish <tfry@pasen.gov> Cc: Sembach, Fred <fsembach@pasen.gov> Subject: DGS Final-Form Regulatory Package #08-27 Importance: High RECEIVED MAY 25 2021 Independent Regulatory Review Commission

CAUTION : External Email

Good afternoon,

Please accept the attached DGS Final-Form Rulemaking package.

Please provide confirmation that this rulemaking has been received by your office.

Thank you, Jordan

Mrs. Jordan M. Kiessling | Senior Legal Analyst

Legal Services Procurement Coordinator

Department of General Services | Office of Chief Counsel

North Office Building | 401 North Street, Room 603

Harrisburg, PA 17120

Phone: 717.346.8110 | Fax: 717.787.9138

www.dgs.pa.gov

RE: DGS Final-Form Regulatory Package #08-27

Mahjoubian, Micah < Micah.Mahjoubian@pasenate.com>

Tue 5/25/2021 2:24 PM

To: Kiessling, Jordan <jkiessling@pa.gov>; Street, Senator Sharif <Sharif.Street@pasenate.com> DGS Final-Form Regulatory Package #08-27 Has been received by Senator Street. Thank you.

Micah Mahjoubian **Policy Director** Office of Senator Sharif Street RECEIVED Democratic Executive Director State Government Committee MAY 2 5 2021 ---215-432-1068 (cell) 215-227-6161 (district office) Independent Regulatory 717-787-6735 (Harrsiburg office) **Review Commission** www.senatorsharifstreet.com Pronouns: He/Him/His From: Kiessling, Jordan <jkiessling@pa.gov>

From: Kiessling, Jordan <jkiessling@pa.gov> Sent: Tuesday, May 25, 2021 2:23 PM To: Mahjoubian, Micah <Micah.Mahjoubian@pasenate.com>; Street, Senator Sharif <Sharif.Street@pasenate.com> SubJect: DGS Final-Form Regulatory Package #08-27 Importance: High

EXTERNAL EMAIL

Good afternoon,

Please accept the attached DGS Final-Form Rulemaking package.

Please provide confirmation that this rulemaking has been received by your office.

Thank you, Jordan

Mrs. Jordan M. Kiessling | Senior Legal Analyst

Legal Services Procurement Coordinator

Department of General Services | Office of Chief Counsel

RE: DGS Final-Form Regulatory Package #08-27

Sherry Eberly <Seberly@pahousegop.com> Tue 5/25/2021 2:16 PM To: Kiessling, Jordan <jkiessling@pa.gov> Good afternoon,

I have received this rulemaking.

Thank you,

Sherry Eberly Legislative Administrative Assistant Office of Representative Seth Grove Room 7 East Wing 717-783-2655

From: Kiessling, Jordan <jkiessling@pa.gov> Sent: Tuesday, May 25, 2021 2:11 PM To: Sherry Eberly <Seberly@pahousegop.com> Cc: Michaele Totino <Mtotino@pahousegop.com> Subject: DGS Final-Form Regulatory Package #08-27 Importance: High

Good afternoon,

Please accept the attached DGS Final-Form Rulemaking package.

Please provide confirmation that this rulemaking has been received by your office.

Thank you, Jordan

Mrs. Jordan M. Kiessling | Senior Legal Analyst

Legal Services Procurement Coordinator

Department of General Services | Office of Chief Counsel

North Office Building | 401 North Street, Room 603

Harrisburg, PA 17120



Read: DGS Final-Form Regulatory Package #08-27

Himebaugh, Nicholas A. <NHimebaugh@pahouse.net> Tue 5/25/2021 2 18 PM To: Kiessling, Jordan <jkiessling@pa.gov> Your message

To:

Subject: DGS Final-Form Regulatory Package #08-27 Sent: Tuesday, May 25, 2021 6:18:15 PM (UTC+00:00) Monrovia, Reykjavik

was read on Tuesday, May 25, 2021 6:18:10 PM (UTC+00:00) Monrovia, Reykjavik.

