

National Institute of Standards and Technology ("NIST") Handbook 44
NY-ADR

3/28/18 N.Y. St. Reg. AAM-13-18-00013-P

NEW YORK STATE REGISTER

VOLUME XL, ISSUE 13

March 28, 2018

RULE MAKING ACTIVITIES

DEPARTMENT OF AGRICULTURE AND MARKETS

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

I.D No. AAM-13-18-00013-P

National Institute of Standards and Technology ("NIST") Handbook 44

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action:

This is a consensus rule making to amend section 220.2 of Title 1 NYCRR.

Statutory authority:

Agriculture and Markets Law, sections 16, 18 and 179

Subject:

National Institute of Standards and Technology ("NIST") Handbook 44.

Purpose:

To incorporate NIST Handbook 44 (2018 edition).

Text of proposed rule:

Subdivision (a) of section 220.2 of 1 NYCRR is amended to read as follows:

(a) Except as otherwise provided in this Part, the specifications, tolerances and regulations for commercial weighing and measuring devices shall be those adopted by the [101st] 102nd National Conference on Weights and Measures [2016] 2017 as published in the National Institute of Standards and Technology Handbook 44, [2017] 2018 edition. This document is available from the National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, NE 68508, or the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is available for public inspection and copying in the office of the Director of Weights and Measures, Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, or in the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Suite 650, Albany, New York 12231.

Text of proposed rule and any required statements and analyses may be obtained from:

Mr. Mike Sikula, Director, Bureau of Weights & Measures, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-3146, email: Mike.Sikula@agriculture.ny.gov

Data, views or arguments may be submitted to:

Same as above.

Public comment will be received until:

60 days after publication of this notice.

Consensus Rule Making Determination

The proposed rule will amend subdivision (a) of 1 NYCRR section 220.2 to incorporate by reference the 2018 edition of National Institute of Standards and Technology Handbook 44.

The proposed amendment to subdivision (a) of 1 NYCRR section 220.2 is non-controversial. The 2018 edition of Handbook 44 has been adopted by or is in the process of being adopted by every state; manufacturers of weighing and measuring devices located in New York already, therefore, conform their operations to the provisions of this document in order to sell their products in interstate commerce. Furthermore, the State's users of commercial weighing and measuring devices also already use devices that conform to the provisions of this document due to its nearly-nationwide applicability.

Based upon the foregoing, the proposed rule will not have any adverse impact upon parties regulated pursuant thereto and is, therefore, non-controversial.

Job Impact Statement

The proposed rule will not have an adverse impact on jobs or on employment opportunities.

The proposed rule will incorporate by reference in subdivision (a) of 1 NYCRR section 220.2 the 2018 edition of National Institute of Standards and Technology Handbook 44 (henceforth, "Handbook 44 (2018 edition)") which contains specifications, tolerances and regulations for commercial measuring devices. The 2017 edition of Handbook 44 is presently incorporated by reference. Handbook 44 (2018 edition) differs from the 2017 edition in that it contains new requirements for divisions in high-accuracy scales used in direct sales such as jewelry scales; deletes the requirement that the size of the pipe, mounted on a vehicle tank used for the delivery of petroleum products, must be set forth on the meter; amends requirements applicable to taximeters that use GPS technology; and other, non-substantive additions, amendments, and deletions. Handbook 44 (2018 edition) has been adopted or is in the process of being adopted by every state; manufacturers and users of weighing and measuring devices located in New York already, therefore, conform their operations to the provisions of this document in order to sell their products in interstate commerce.

The proposed rule requires manufacturers and users of weighing and measuring devices to do no more than they are practically required to do presently and/or lessens certain regulatory burdens; as such, the proposed rule will not have an adverse impact upon jobs or employment opportunities.

END OF DOCUMENT

© 2018 Thomson Reuters. No claim to original U.S. Government Works.