

VOLUME 49, ISSUE 1
ISSUE DATE: **JANUARY 3, 2017**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF WEIGHTS AND MEASURES

Readoption with Amendments: N.J.A.C. 13:47B

Adopted New Rules: N.J.A.C. 13:47B-4.2 and 4.3

Scales, Instruments, and Devices; Weights and Measures

Proposed: August 15, 2016, at 48 N.J.R. 1588(a).

Adopted: October 17, 2016, by the Office of Weights and Measures, David Freed, Acting State Superintendent, Office of Weights and Measures.

Filed: November 30, 2016, as R.2017 d.006, **without change**.

Authority: N.J.S.A. 51:1-61.

Effective Dates: November 30, 2016, Readoption;

January 3, 2017, Amendments and New Rules.

Expiration Date: November 30, 2023.

Summary of Public Comment and Agency Response:

The official comment period ended October 14, 2016. The Office of Weights and Measures (OWM) received one comment on the notice of proposal.

COMMENT: The New Jersey Food Council (Council) expressed its support for the two proposed rules N.J.A.C. 13:47B-4.2 and 4.3. The Council views the training required in proposed N.J.A.C. 13:47B-4.2 as a positive step toward greater consistency in implementation of OWM guidelines and procedures. The Council stressed the importance of having officers trained in the most updated information, as it will help them properly carry out their responsibilities. The commenter asked that a dress code be implemented for OWM officers who conduct in-store inspections.

RESPONSE: OWM thanks the Council for its comments. OWM notes that the Council's concerns regarding the dress code are outside the scope of the rules in N.J.A.C. 13:47B, but will take them under consideration when reviewing its internal policy with regard to appropriate dress code for OWM inspectors.

Federal Standards Statement

A Federal standards analysis is not required because rules readopted with amendments and new rules are governed by N.J.S.A. 51:1-61. Although the rules are not subject to any mandated Federal requirements or standards, OWM has voluntarily adopted, by reference, the standards for weighing and measuring devices, which were developed by NIST and are set forth in Handbook 44. In addition, OWM notes that adopted new N.J.A.C. 13:47B-4.2 will require training in the standards set forth in the NIST Handbook 130 and 133.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:47B.

Full text of the adopted amendments and new rules follows:

CHAPTER 47B

SCALES, INSTRUMENTS, AND DEVICES; WEIGHTS AND MEASURES

SUBCHAPTER 1. GENERAL WEIGHING AND MEASURING DEVICES

13:47B-1.24 Registry for security sealing devices

(a) (No change.)

(b) "Security sealing device" means any mechanical device used to block or prevent entry to the adjustable elements of any weight or measure or any weighing and measuring device used in trade or commerce in New Jersey. A data change audit trail shall also qualify as a security sealing device.

(c) "Data change audit trail" means an electronic count and/or information record of the changes to the values of the calibration or configuration parameters of a device.

Recodify existing (c), (d), and (e) as (d), (e), and (f) (No change in text.)

(g) No weighing or measuring device shall be permitted to be used for any commercial purpose unless the device's adjustable elements are blocked and sealed by a security sealing device bearing the registry mark of a licensed repairman or that of a weights and measures officer. If the physical mechanics for applying a mechanical security sealing device are not available due to a weighing or measuring device adjustable elements' construction or design, a data change audit trail shall be made available at the time of inspection.

Recodify existing (g) and (h) as (h) and (i) (No change in text.)

SUBCHAPTER 4. GENERAL PROVISIONS

13:47B-4.2 In-service training requirements; weights and measures officer

All weights and measures officers are required to attend an in-service training class when provided by the Office of Weights and Measures of the State of New Jersey. Such training classes shall include training on all updates of Title 51 of the New Jersey Statutes Annotated; and N.J.S.A. 56:6-1 et seq.; N.J.A.C. 13:47 and 18:19; NIST Handbook 44, Handbook 133, and Handbook 130; and all protocols, policies, guidelines, and examination procedure outlines issued by the State Superintendent of Weights and Measures.

13:47B-4.3 Records of training

Each weights and measures officer shall keep a record of his or her training certificates. The State Superintendent of Weights and Measures shall keep records of, and issue certificates to, all weights and measures officers that have successfully completed the Basic Weights and Measures course or an in-service training class offered by the State Office of Weights and Measures. Any records of certificates issued by [page=118] an agency other than the State Office of Weights and Measures shall be kept by the local jurisdiction superintendent.