



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: March 25, 2003

(2) Purpose: Chapter 16-662 WAC (Weights and Measures--National Handbooks). RCW 19.94.195 requires the department to adopt the most recent version of the National Institute of Standards and Technology (NIST) Handbook 44 every year. The agency also adopts the most recent version of NIST Handbook 130 and NIST Handbook 133 each year in order to maintain uniformity with other states. This rule making order amends WAC 16-662-100, WAC 16-662-105, WAC 16-662-110, and WAC 16-662-115 by adopting the 2003 editions of these handbooks. Also, to comply with the clarity criteria in Executive Order 97-02, the department has made minor wording changes in WAC 16-662-100, WAC 16-662-110, and WAC 16-662-115 to make the sections easier to read and understand.

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended: WAC 16-662-100, WAC 16-662-105, WAC 16-662-110, and WAC 16-662-115
- Suspended:

(4) Statutory authority for adoption: Chapters 19.94 and 34.05 RCW  
Other Authority:

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-03-123 on January 22, 2003 (date).  
Describe any changes other than editing from proposed to adopted version: No changes were made.

### EMERGENCY RULE ONLY

- Under RCW 34.05.350 the agency for good cause finds:
- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
  - (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
  - No
- If Yes, explain:

(6) Effective date of rule:

- |  |  |
|--|--|
| <b>Permanent Rules</b>                                   | <b>Emergency Rules</b>                         |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately           |
| <input type="checkbox"/> Other (specify) _____ *         | <input type="checkbox"/> Later (specify) _____ |

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)  
Valoria H. Loveland

Signature  
*Valoria H. Loveland*

Title: Director Date: March 25, 2003

CODE REVISER USE ONLY

COMMUNICATIONS SECTION

MAR 25 2003

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(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 97-12-075, filed 6/4/97, effective 7/5/97)

**WAC 16-662-100 Purpose.** The purpose of this rule is to establish requirements for the state of Washington that are reasonably consistent with uniform state rules that have been adopted by the National Conference on Weights and Measures and that are in effect in other states. This chapter applies specifically to subject areas for:

(1) Uniform specifications, tolerances and other technical requirements for weighing and measuring devices addressed in the *National Institute of Standards and Technology Handbook 44*;

(2) Uniform procedures for checking the net contents of packaged goods addressed in the *National (~~Bureau of Standards Handbook 133 with supplements~~) Institute of Standards and Technology, Handbook 133*;

(3) Uniform packaging and labeling requirements;

(4) Uniform method of sale of commodities requirements; and

(5) Uniform examination procedures for price verification addressed in the *National Institute of Standards and Technology Handbook 130*. The publications cited in this chapter, Handbook 44, Handbook 130 and Handbook 133, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The handbooks are also available on the National Institute of Standards and Technology website. For information regarding the contents of these publications, contact weights and measures in the Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560, or e-mail [wts&measures@agr.wa.gov](mailto:wts&measures@agr.wa.gov).

AMENDATORY SECTION (Amending WSR 02-12-029, filed 5/29/02, effective 6/29/02)

**WAC 16-662-105 Adoption--Weighing and measuring equipment requirements--Package checking--Packaging and labeling--Method of sale--Price verification.** (1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ((2002)) 2003 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for*

*Commercial Weighing and Measuring Devices.*

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Fourth Edition of National Institute of Standards and Technology (NIST) Handbook 133 published by the United States Department of Commerce, entitled *NIST Handbook 133 - Fourth Edition - Checking the Net Contents of Packaged Goods - Fourth Edition*, ((2002)) 2003 Edition.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ((2002)) 2003 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2002)) 2003 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2002)) 2003 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2002)) 2003 Edition.

AMENDATORY SECTION (Amending WSR 01-16-005, filed 7/19/01, effective 8/19/01)

**WAC 16-662-110 Modifications to NIST Handbook 44.** The following modifications are made to Handbook 44, identified in WAC 16-662-105:

(1) General Code:  
((~~(a) Section G-T. Tolerances. In paragraphs (b), (c), and (d) of subsection G-T.1. "Acceptance Tolerances", change "30 days" to "90 days."~~

~~(b))~~) Section G-UR. User Requirements. In the last sentence of subsection G-UR.4.1. "Maintenance of Equipment", change "device user" to "device owner or operator."

(2) Scale Code: Section UR.3. Use Requirements. At the end of subsection UR.3.7.(a) add "and homeowner refuse."

((~~(3) Appendix D Definitions, Direct Sale. Replace with the following: "A sale in which both parties in the transaction are~~

~~present when the quantity is being determined." , ,~~

AMENDATORY SECTION (Amending WSR 98-13-072, filed 6/15/98, effective 7/16/98)

**WAC 16-662-115 Modifications to NIST Handbook 130.** The following modifications are made to the *Uniform Regulation for the Method of Sale of Commodities* requirements published in NIST Handbook 130, identified in WAC 16-662-105 (3)(b):

(1) Section 2.20. Gasoline-Oxygenate Blends. Delete Section 2.20 (~~because~~). The requirements for this subject are addressed in RCW 19.94.505 and chapter 16-657 WAC.

(2) Section 2.23. Animal Bedding. Add a new subsection 2.23.1. Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. Quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials when advertised, offered for sale, or sold within the state of Washington shall be in terms of cubic measure or units and fractions thereof.