



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103** (7/22/01)

<b>Agency:</b> Agriculture	<input type="checkbox"/> Permanent Rule
<b>(1) Date of adoption:</b> May 29, 2002	<input type="checkbox"/> Emergency Rule
	<input checked="" type="checkbox"/> Expedited Rule Making

**(2) Purpose:** To amend existing weights and measures rules governing method of sale, packaging, labeling and device tolerances and specifications, and testing the net contents of packaged goods, to bring them into compliance with requirements of statute, with practices of other states, and with current practice by adopting annually revised national standards.

**(3) Citation of existing rules affected by this order:**  
Repealed:  
Amended: WAC 16-662-105  
Suspended:

**(4) Statutory authority for adoption:** RCW 19.94  
Other Authority:

**PERMANENT RULE ONLY (Including Expedited Rule Making)**  
Adopted under notice filed as WSR 02-07-121 on March 20, 2002  
Describe any changes other than editing from proposed to adopted version: none

**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:

<b>(6) Effective date of rule:</b> <b>Permanent Rules</b> <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____*	<b>Emergency Rules</b> <input type="checkbox"/> Immediately <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)	
<b>Name (Type or Print)</b> William E. Brookreson	
<b>Signature</b> 	
<b>Title</b> Acting Director	<b>Date</b> May 29, 2002

**CODE REVISER USE ONLY**

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**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	Amended	Repealed
<b>Federal rules or standards:</b>	New	Amended 1	Repealed
<b>Recently enacted state statutes:</b>	New	Amended	Repealed

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

New	Amended	Repealed
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**The number of sections adopted in the agency's own initiative:**

New	Amended 1	Repealed
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	Amended	Repealed
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**The number of sections adopted using:**

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	New	Amended	Repealed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	New	Amended	Repealed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	New	Amended	Repealed

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

**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 ((2001)) 2002 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 ((Third)) Fourth Edition of ((National Bureau of Standards (NBS))) National Institute of Standards and Technology (NIST) Handbook 133 published by the United States Department of Commerce, entitled ((the National Bureau of Standards)) NIST Handbook 133 - ((Third)) Fourth Edition - Checking the Net Contents of Packaged Goods ((as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively)) - Fourth Edition, 2002 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 ((2001)) 2002 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, ((2001)) 2002 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, ((2001)) 2002 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, ((2001)) 2002 Edition.