



State Directors' Breakfast
Questions and Responses
Regarding
NTEP Issues
2001

For the past several years, the Scale Manufacturers Association and the National Conference on Weights and Measures have hosted breakfast meetings at the regional Weights and Measures association venues throughout the year. We have published the 1997, 1998, 1999 and 2000 questions. They are available for review or download as a PDF File on the SMA Web Site at <http://www.scalemanufacturers.org>. This document covers the three questions asked at the four regional W&M Conferences in 2001.

In order to ascertain the degree of uniformity and interpretation of selected W&M practices, the same questions are asked at each regional meeting.

ATTRIBUTED RESPONSE COPY

This document is a composite of the responses and is provided as a service by the Scale Manufacturers Association in support of the continuing education effort required to insure the success of the National Type Evaluation Program.

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2001 STATE DIRECTORS' BREAKFAST NTEP QUESTIONS

QUESTION ONE: Does your jurisdiction test / certify retail pre-pack scales? Does your jurisdiction perform package checking on in-house packaged products? If you answer 'yes' to both questions, please explain why your state feels that both tests are necessary.

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QUESTION TWO: Considering all the administrative issues related to NTEP, is the program worth it? Does it make your job easier?

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QUESTION THREE: In light of the recent changes in the NCWM (NTEP) program, what do you feel should be the primary goals of the program?

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QUESTION ONE - 2001:

Does your jurisdiction test / certify retail pre-pack scales? Does your jurisdiction perform package checking on in-house packaged products? If you answer 'yes' to both questions, please explain why your state feels that both tests are necessary.

Southern Weights and Measures Association Responses:

S-1 Yes to both questions. Just because a scale is correct doesn't mean the package was weighed correctly. Our procedure protects the consumer.

S-2 No, we don't test the pre-pack scale unless there is a problem with the packages.

S-3 Yes and yes. We do in-house inspections of the packages to make certain that they have been weighed correctly.

S-4 Yes, although another division handles the package checking in grocery stores. We don't do anything in grocery stores, only processing plants.

S-5 No, we only do scales in grocery stores on request. Yes, we do perform package checking.

S-6 Yes, we check all scales to protect the consumer. We also check packages to ensure that the consumer is protected as well.

S-7 No, we neither test nor register these scales but we do check packages. Most pre-pack scales are not NTEP devices.

S-8 Yes to both questions. We've found that many of the tare weights used were not correct.

S-9 No, we do not test the pre-pack scales but we do perform the package checking. If we find problems with weights when checking packages, we also check the scale.

S-10 Yes to both questions. It's a good idea to check these pre-pack scales when you check other scales and devices within the store.

S-11 Yes to both questions. It's important to make certain that the pre-pack scale is correct. It provides a service to the store while protecting the consumer.

S-12 Yes, we check the pre-pack scales on annual inspections and again when packages are checked if a problem is

found at that time. We don't recognize the pre-pack scale as a commercial device but checking them often eliminates the excuse for short weighing.

S-13 Yes to both questions. The pre-pack scale is part of the process and checking it gives the store a picture of how their system is working. We consider them to be a commercial device and most of the ones we check have NTEP CCs.

Northeast Weights and Measures Association Responses:

N-1 **Check Pre-Pack Scales** No
Check Packaged Products No

N-2 **Check Pre-Pack Scales** Yes
Check Packaged Products Yes

Comments Sometimes find scales accurate, packages not. Incorrect tare on two packages weighed packages out on display too long. Use pre-pack scale to check packages. Have authority to check scale. On automated systems, the packages coming off are the check of the dynamic process.

N-3 **Check Pre-Pack Scales**
Check Packaged Products Yes

Comments Many meats packaged at different locations. Check the packages.

N-4 **Check Pre-Pack Scales** No, not necessary
Check Packaged Products Yes, important

Comments Claim the authority to check the prepack if something is found wrong. Avoids dilemma that you approved my scale but rejected my packages. It is a commercial device but can check the packages for accuracy (check the process).

N-5 **Check Pre-Pack Scales** Yes
Check Packaged Products Yes

Comments Looking at accuracy of tare, check look-up codes to verify if correct. Use the prepack scale to check the packages, check QC. Investigate the cause of the problem.

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N-6 **Check Pre-Pack Scales** Yes
 Check Packaged Products Yes
Comments We charge fees so we check the scale. Check prepack 1/year but check packages 3-4/year.

N-7 **Check Pre-Pack Scales** No
 Check Packaged Products Yes
Comments Will check the prepack scale if problem is found. Don't consider the scale to be a commercial device. Check only 200,000 packages per year but 98% compliance.

N-8 **Check Pre-Pack Scales** Yes
 Check Packaged Products Yes
Comments Serious about prosecutions and compliance. Provide training classes for industry meat managers. Issue a fine on first offense after a class. Each package is considered a separate Violation. Insufficient training of store employees. Generates great store interest. Rejection rate has dropped from 48% to 24%.

Central Weights and Measures Association Responses:

C-1 With the exception of the City of Chicago, we do not certify pre-pack scales. We do, however, perform package checking on in-house packaged products because that's what we consider to be most important. We do test the accuracy of the pre-pack scales but do not certify them.

C-2 Our answer to both questions is yes because it is mandated by state law.

C-3 Our answer to both questions is also yes. We only test the pre-pack scale if it is legal for trade but we do test all licensed scales whether they're used for pre-pack or in-house use.

C-4 We do not test package scales anymore. We do, however, test the packages and may certify one scale to be used in the package testing process.

C-5 Yes, we test the scale prior to package testing. If the scale is used commercially, we also certify it at that time. Yes, we also perform package checking on in-house packaged products.

C-6 We do not check pre-package scales unless we are required to do so by another agency. We do perform checks

on in-house packaged products.

C-7 We do not check the scales but we do check the packages.

C-8 No, we would like to but haven't because the packages have checked OK. Package scales are not required to have NTEP CCs. Local jurisdictions may differ in their interpretation. Yes, we do check packages. Of the Ohio counties present, two do check the pre-pack scales.

C-9 We do check pre-pack scales every two years. Budgetary reasons have caused package testing to be dropped.

C-10 No, we do not test or certify pre-pack scales. Yes, we check packages. The scales may, however, be checked should we discover problems with packaged weights.

Western Weights and Measures Association Responses:

W-1 Yes to both questions. We routinely go to the back room to check the pre-pack scales.

W-2 Our answer to both questions is yes. At one time we had discontinued the checking of pre-pack scales but industry asked for reinstatement of the program and succeeded.

W-3 No and yes. We determine if the device is used commercially and treat it accordingly. We attempt to determine the source of any error in the whole commodity transaction from receipt to sale to the consumer.

W-4 No, we do not certify pre-pack scales although we do test some as a courtesy. Yes, we perform package checking on in-house packaged products.

W-5 Yes to both questions. We traditionally test pre-pack scales and feel it is a good thing for both the retailer and the consumer.

W-6 Yes, to both questions.

W-7 Yes, we check pre-pack scales although we realize that a pre-pack scale is often not a commercial device. Rarely do we perform package checking on in-house packaged goods.

W-8 No, we do, however, check some pre-pack scales as a courtesy to the owner. Yes, we do check in-house packaged products.

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W-9 Yes to both questions. In our jurisdiction both testing of pre-pack scales and in-house prepackaged goods are required. Checking pre-pack scales ensures that the device is accurate. Prepackaged goods are checked for the same reason. We like to look at the whole process rather than only at the these two discrete areas. This will require a change in the procedure.

W-10 Yes to both questions. At one time we had quick checking pre-pack scales but have resumed at the request of industry.

W-11 Yes to both questions.

Note that the majority of the jurisdictions present stated that these functions are funded by device licensing fees while only a few said such activities are either funded from their general fund or depend on other programs for funding.

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QUESTION TWO - 2001

Considering all the administrative issues related to NTEP, is the program worth it? Does it make your job easier?

Southern Weights and Measures Association

Responses:

S-1 Yes, NTEP provides protection for scale owners from substandard devices and makes it easier on us by providing a measure of assurance that the device is going to perform to our requirements.

S-2 Yes, we too feel that NTEP is worth it.

S-3 Yes, the NTEP program reduces the time needed to inspect a device allowing the inspector to concentrate on the installation and operation of the device. NTEP also protects the device owner by providing protection against substandard devices.

S-4 Yes, we feel the NTEP program is very valuable. We know that a device with an NTEP CC has already been tested and found to conform. It provides the device owner with a level of confidence in the device.

S-5 Sometimes we wonder. NTEP does provide a measure of confidence for the scale purchaser and we really think that, in the long run, it is worth it.

S-6 We wholeheartedly believe in it and endorse the program.

S-7 NTEP takes a lot of our time and resources to support it. Manufacturers may actually gain more from the program than do weights and measures jurisdictions. We take the NTEP program seriously which require we spend additional time on device evaluations but, in the end, we would rather have the program than not to have it. There is, however, a price to pay for the program. We have rejected NTEP devices for inconsistencies between the field device and information listed on the CC in spite of the fact that the device has been accepted by other jurisdictions.

S-8 We're an NTEP state and support the program although it doesn't always make our job easier. Many device owners do not understand the program forcing us to take the time to explain it to them.

S-9 Yes to all three questions. It does require additional time to support the program.

S-10 Yes to all three questions. NTEP makes it easier for the scale purchaser and has improved the quality of the scales in use. It gives confidence to those involved with the commercial use of devices.

S-11 Because of administrative costs, we are not an NTEP state. Our inspectors are forced to handle other programs in addition to weights and measures.

S-12 NTEP has been the starting point for our state's program since 1992. The knowledge that a device has a NTEP CC makes it easier for an inspector to evaluate it. NTEP makes it easier on manufacturers as well by providing a level playing field since it is a national standard and not one based on local regulations.

S-13 Yes to all three questions. We owe a great deal to those states with NTEP labs for their work in evaluating devices.

S-14 Yes, NTEP promotes uniformity among the states which is one of NIST/OWM's goals. We have witnessed a major improvement in the quality of devices found in the field over the last thirty years due to NTEP. We support the NTEP concept.

S-15 Our state's type approval program goes back to the 1930's. Industry benefits from the NTEP program more than the states since NTEP levels the playing field. Device complexity makes it difficult for states to perform inspections without a previous NTEP evaluation.

Northeast Weights and Measures Association

Responses:

N-1 Don't have an NTEP regulation but require large capacity scales to be NTEP. Not a hassle. We look for the NTEP logo.

N-2 Have adopted NTEP. It is worth it. Establishes a minimum level of quality and provides greater assurance of compliance to H-44. We require NTEP scales in state contracts.

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N-3 It has reached all levels. If it is an NTEP device, it will probably pass. Have trouble because people don't want to pay for an NTEP device. Can direct them to the NIST web site for list of approved devices.

N-4 Inherited a type approval jurisdiction (since 1930). Convinced that it weeds out the junk. It is worth it. NTEP is a hurdle but you must still do an initial inspection. It establishes a minimum level of quality and increases the chances of passing. It makes our job easier.

N-5 It makes our job easier. Removes some confusion.

N-6 It is easier. Creates a level playing field. It works.

N-7 Easy to enforce.

N-8 We are an NTEP state. Its worth it. Keeps out the junk.

N-9 Require NTEP. Either meets NTEP and has a CC or it doesn't. Recently required an NTEP CC for a railroad scale.

Central Weights and Measures Association

Responses:

C-1 The NTEP program checks for environmental influences on devices that we are unable to perform. We require service technicians to provide a NTEP CC for the device before our inspectors arrive and that has reduced the length of time necessary for the evaluation.

C-2 We're currently in the 'honeymoon' stage with NTEP having recently adopted it. It (NTEP) makes it easier to deal with service companies. We're still learning.

C-3 NTEP makes our job easier provided we don't get lulled into a false sense of security. It's helped us a lot.

C-4 We have a limited program which requires NTEP CCs on new devices as a policy. We anticipate legislative changes which will modify our program making it more comprehensive.

C-5 Yes, NTEP is worth it. It makes our jobs easier. We wish to thank NIST/NCWM for making NTEP CCs available via the Internet. We require a copy of the NTEP CC on the initial installation of every metrological device used in commerce.

C-6 For scales, the NTEP program is good. For gas pumps, which we inspect every six months, we have some concerns. We see a lot of problems on pumps in spite of the fact they are listed on an NTEP CC. Our weights and measures department is also responsible for public safety and see problems with the blending of motor fuel.

C-7 Yes, we feel the NTEP program is worthwhile. We've been working with it for the last ten years. There were some administrative problems at first but it is now working well. We have equipment purchasers call our office to check on NTEP listings of equipment they are considering.

C-8 Yes, NTEP is worth it. Initial implementation of the program was difficult but it has made our job easier by verifying that a device has the potential for meeting Handbook 44 requirements. It adds value to our operation by saving us time.

C-9 Yes, the NTEP program is worth it. Although it doesn't make our jobs any easier, it does have value for our operation.

C-10 We have been an NTEP state since 1997 so we are still educating some of our people to the NTEP program. We don't have placed in service reports so we don't know when a new device is installed until we find them in the field. NTEP is successful in keeping the inferior devices out of the field.

Western Weights and Measures Association

Responses:

W-1 Yes, NTEP is worth it. The program generally makes life easier for us. It also makes it easier for us to justify the rejection of a device that doesn't have an NTEP CC. Sometimes it is difficult to decipher a certificate of conformance to determine the coverage of a specific device. This is particularly true with meters. NTEP gives us a high level of confidence in devices that have been evaluated under the program.

W-2 Yes, we too feel that NTEP is worth it. The NTEP program adds value in providing a level of assurance that a specific device is capable of performing to the required tolerance while also providing justification for rejection of non-NTEP devices. We feel, however, that making the system more user friendly will add to its worth.

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W-3 There is value in the NTEP program. It adds value to industry by leveling the playing field. We would continue to perform type approvals regardless of whether NTEP existed or not. We feel the value of NTEP is 70% to industry and 30% to regulators.

W-4 Yes to all three questions.

W-5 Yes, NTEP is worth it. NTEP gives us confidence when testing a device that the things that we cannot test have been evaluated and found to be acceptable.

W-6 Yes, NTEP makes our jobs easier. It makes it easy to determine if a device is appropriate for the application. We will be looking for calibration certificates on load cells to ensure that TN.8. is properly addressed by the device.

W-7 Yes, NTEP is worth it. We're required to do 100% inspection and anything that requires additional time reduces the number of devices that we are able to inspect. NTEP gives us the assistance that we need and makes our jobs easier.

W-8 Although we have not adopted NTEP yet, it does make our jobs easier. We require NTEP CCs on all new devices installed within our state and also require compliance with TN.8.

W-9 NTEP is definitely worth it. NTEP establishes uniform testing procedures for new devices including ensuring that the device meets Handbook 44 environmental and performance requirements and is properly marked. NTEP makes our jobs easier by ensuring that the device was evaluated to a level above and beyond the capabilities of individual jurisdictions and by providing our inspectors with a single source (NTEP CC) for information on the various device parameters. It brings a higher level of quality to the device market which is beneficial to both the consumer and the retailer.

W-10 Yes, NTEP is worth it. We use it constantly. It makes our jobs easier and it is easy to access NTEP CCs. It adds tremendous value to our operation.

W-11 Yes to all three questions. It doesn't always make our jobs easier but it does add value to our operation and is a good tool to aid the customer in selecting a new device.

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QUESTION THREE - 2001

In light of the recent changes in the NCWM (NTEP) program, what do you feel should be the primary goals of the program?

Southern Weights and Measures Association

Responses:

S-1 We feel NTEP should continue along lines currently taken.

S-2 We agree that NTEP should continue along present lines. NTEP makes our job easier.

S-3 We appreciate the work of the NTEP labs in their support of the field inspector. The main focus should remain on NTEP type evaluations.

S-4 We're comfortable with NTEP. We don't have the manpower to duplicate NTEP services. We would like to see it continue on as is.

S-5 NTEP should continue with the issuance of NTEP certificates and to reinforce NTEP policies.

S-6 We're comfortable with NTEP and with the transition process from NIST to the NCWM as well as with the approach currently taken by NTEP.

S-7 The NTEP transition process is OK but there is still much work to be done. We are trying to find where we best work together. We would like to see NIST / OWM become an NTEP lab. We need to make sure that OWM and NCWM work together. We need to continue to work in the development of a conformity assessment program and to develop test data exchange agreements with European labs. This needs to be done through NIST to establish and maintain the relationship.

S-8 The transition of the NTEP program from NIST to the NCWM has had no effect on us. We would like to see emphasis placed on uniformity and consistency of interpretation.

S-9 Uniformity should be NTEP's primary goal.

S-10 We would like to see the continuation of the NTEP program. Performance of NTEP type evaluations should be a major focal point.

S-11 Uniformity is the most important goal for NTEP.

S-12 The NCWM headquarters staff was largely responsible for the lack of interruptions in services during the transition process and should be commended for their work.

S-13 The changeover from NIST to the NCWM has gone well. Conformity assessment continues to be an important goal as does cooperation with the NTEP labs. State wide education must also be emphasized.

Northeast Weights and Measures Association

Responses:

N-1 Don't know.

N-2 Make the information available. Get the CCs posted on the web. Updating info on the CCs, don't want outdated certificates. The field inspector needs the information. Initial and subsequent verification must still be applied.

N-3 Must be able to get the info out quickly. Working to establish the NCWM database. Need to maintain the level of credibility. Try to improve the service. NTEP is a testing service, like UL. States want the service, so we must provide it. What do we expect from NTEP to make our decisions for use? We don't expect NTEP to make all of our decisions. We don't expect it to do everything. It is a filter.

N-4 ASAP. It is working fine.

N-5 It must be NTEP'ed. Service companies/installers know it. They must install NTEP scales or suffer the consequences.

N-6 Absolutely, NTEP is worth it. Can't have 17 type evaluations. Concerned that we are not local economies; rather international in scope. The NCWM CCs don't carry the same weight as NIST CCs. Don't want the NIST database removed from the web. Need to increase the stature of the NCWM CCs.

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N-7 Get surprised by the differences among companies on the value of the CCs. We don't see a difference between NIST and NCWM CCs. The international agreements and data acceptance are critical.

N-8 NCWM is concerned about international acceptance. Are looking to increase NCWM recognition. NCWM must work with NIST to gain the international acceptance.

N-9 The program doesn't "own" the NTEP laboratory assets. We must maintain/establish the integrity of NTEP system to promote acceptance of the NTEP test data

Central Weights and Measures Association

Responses:

C-1 We feel that greater uniformity among the states in how NTEP is applied is necessary as well as a policy dealing with how older equipment is handled. More training is needed.

C-2 We would like to see more training on how to administer the NTEP program within a state.

C-3 We feel that more uniformity in the manner in which NTEP is enforced is necessary. Sometimes local conditions override this but it is, never the less, important.

C-4 National acceptance and credibility are the most important goals.

C-5 Production meets type or conformity assessment must be addressed.

C-6 Training, information, support and nation-wide uniformity are the most important goals for NTEP.

C-7 We need better communications with NTEP. This has become more important since transfer of the NTEP program to the NCWM. The lag between the issuance of new NTEP CCs and their placement on the web site needs to be addressed. More information on the change over is necessary. (Lou Straub replied that the NTEP data base on CCs is to be up an running before the July meeting of the NCWM.)

C-8 Training for sales, service and administration is an important goal as is production meets type standards. Work toward acceptance of NTEP outside the United States is also an important goal.

C-9 We see NTEP as a "crap filter".

C-10 Education throughout all branches (administration / inspectors / service) is necessary as well as production meets type are worthy goals.

C-11 We'd like to see the NTEP CC better describe the device submitted.

C-12 NTEP has a value in that it has kept substandard devices from getting into the field. Criteria varied from jurisdiction to jurisdiction prior to NTEP making it necessary for a manufacturer to submit a device for multiple evaluations. More training and information to parties involved is required and NIST asks for your recommendations for NTEP policies and training requirements. There have been questions regarding whether we have too many detailed requirements. We feel device requirements should be performance-based. We suggest that Publication 14 be reviewed to determine what can be removed to allow greater freedom of design.

Western Weights and Measures Association

Responses:

W-1 We feel that providing a means of allowing field inspectors and jurisdictions to report via the website changes in devices that they have discovered in the field would be a valuable addition. At present, we deal with this problem on our own by calling the device manufacturer directly to resolve the matter. This is why initial verification is so important.

W-2 We would like to see the device manufacturer provide more detailed information to the jurisdiction so that inspectors will have greater knowledge of the products they see.

W-3 NTEP should define their primary goal(s) in their strategic planning process. We would like to see uniformity examined as a primary goal on a larger basis perhaps through mutual recognition agreements with foreign labs.

W-4 We would like to see more device specific information from manufacturers.

W-5 NTEP's strategic planning should identify their primary goals. We would like to see NTEP continue and agree with the importance of initial verification.

W-6 We would like to see NTEP refine application types and look at additional states serving as NTEP labs. Perhaps the evaluations should be sent just to the primary labs. De-

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vice evaluators should be thoroughly trained and specialize only in a specific device types.

W-7 NTEP should refine applications of specific device types so there is less confusion on whether a device is appropriate for a specific application or not. Device manufacturers should add a page to their manuals notifying the user that they must contact their local weights and measures office before placing the device in use.

W-8 NTEP should adopt uniformity and better communications as their primary goals. This may be accomplished in part by adding a NTEP newsletter to the current NCWM newsletter or by publishing a separate NTEP newsletter.

W-9 NTEP should consider expanding its role to provide a service to the regulatory officials and manufacturers by adopting the following goals:

1. Assist manufacturers in obtaining NTEP evaluations in a timely manner.
2. Support NTEP labs with training and attendance at meetings to ensure continued uniformity.
3. Avoid making NTEP CCs generic. Continue to limit the application of the device based on the NTEP testing requested by the manufacturer and performed by the lab.
4. Support NTEP states that restrict the use of the device based on the parameters allowed in the certificate.
5. Provide expertise to manufacturers, NTEP labs and regulatory officials.

W-10 NTEP should continue to work on uniformity of certificates of conformance. Device manufacturers should add a statement in their documentation instructing the device owner to contact their local weights and measures office if the device is to be used in commerce.

W-11 We would like to stress the importance of a long-range strategic plan for NTEP.

