

**BEFORE THE INDIANA STATE DEPARTMENT OF HEALTH**  
**AN ADMINISTRATIVE RULES HEARING**  
**LSA DOCUMENT #13-455**  
**HEARING OFFICER REPORT**

This matter came before the duly appointed Hearing Officer, Manda Clevenger, on the 2<sup>nd</sup> day of April, 2014, at 10:00 a.m., at the Indiana State Department of Health (ISDH), 2 North Meridian Street, Indianapolis, Indiana.

Notice of time and place of the hearing was given as provided by law by publishing on February 26, 2014, in both the *Indianapolis Star* and in the *Indiana Register*. Proof of publication of this notice has been received by the ISDH and the notice and proof are hereby incorporated into the record of this cause by reference and placed in the official files of the ISDH.

**ORAL STATEMENT**

There were no oral statements at the public hearing.

**WRITTEN STATEMENT**

Stephen J. Scharf, President

Kristin Winningham, Legislative Committee Chair

Indiana Association of Inspectors of Weights and Measures, Inc.

The letter signed by Stephen J. Scharf, President, and Kristin Winningham, Legislative Committee Chair, expressed its support for the adoption of the 2013 versions of the National Institutes of Standards and Technology (NIST) Handbooks 44, 130, and 133. The letter is attached and incorporated by reference as Exhibit 1.

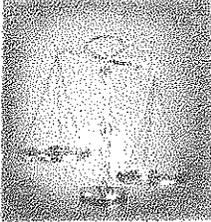
The record was left open until the close of business on April 2, 2014. No additional comments were submitted during that time period.

Dated at Indianapolis, Indiana this 24<sup>th</sup> day of April, 2014.

  
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Manda Clevenger

Hearing Officer



# Indiana Association of Inspectors of Weights and Measures, Inc.

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Steve Scharf, President  
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Edward Nagle, Secretary  
Michael Harper, Treasurer

July 23, 2013

Larry Stump, Director  
Department of Indiana Weights and Measures

The members of the Indiana Association of Inspectors of Weights and Measures unanimously support the adoption of the 2013 versions of NIST Handbooks 44, 130, and 133. The adoption will update State law, bringing us in line with surrounding states, and will benefit businesses and consumers alike. We strongly urge the General Assembly to adopt these as law as soon as possible.

Weights and measures regulation affects half of the United States Gross Domestic Product. For example, whenever a Hoosier farmer goes to market to sell his grain or livestock, or when anyone shops for groceries at the store or local market, fills up their vehicle's gas (or diesel) tank, purchases fabrics at the cutting table, takes a metered taxi, refills their grill's propane tank or has oxygen tanks filled for home health needs, has home heating oil or firewood delivered, stops for self-serve frozen yogurt, sells their silver or gold, or picks up a compounded prescription, the oversight and protection of weights and measures inspection is there.

The Handbooks published by the National Institute of Standards and Technology (NIST), as adopted by the National Conference on Weights and Measures, regulate all aspects of the weight and measures infrastructure. They are designed to be used nationwide for weights and measures enforcement, and are published every year after input is received from members across the industry, both public and private, and then voted upon by those same members. The adoption of the following is strongly encouraged by the Association: Handbook 44-Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices; Handbook 130-Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality; and, Handbook 133-Checking the Net Contents of Packaged Goods.

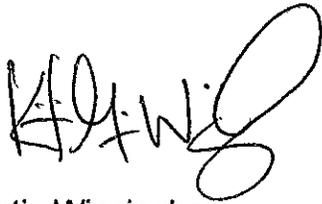
In Indiana, the law adopted at State level is enforced by the Indiana State Department of Health Division of Weights and Measures and by various local counties and cities. Having a different set of laws from one jurisdiction to the next creates an undue burden on businesses, and also complicates the consumer's ability to compare prices and make purchases for their family. Currently, Indiana is using Handbooks from 1998 and thus is operating with older regulation that is different from the surrounding states and the changes made in the marketplace in the 15 years that have lapsed since

Exhibit  
1

the last adoption of these Handbooks. This potentially places Indiana at a significant disadvantage from an economic standpoint.

It is in the best interest of Hoosier consumers and businesses alike to adopt the 2013 editions of NIST Handbooks 44, 130 and 133. The IAIWM consists of members from local jurisdictions across the State, representing a range from the most urban of cities to the most rural of counties, and we encourage the adoption of these Handbooks. We know firsthand how this change will directly benefit both the residents and private industry in our jurisdictions, and cannot voice our support loudly enough.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Winningham', with a large, stylized flourish at the end.

Kristin Winningham  
Legislative Committee Chair

A handwritten signature in black ink, appearing to read 'Stephen J. Scharf', with a large, stylized flourish at the end.

Stephen J. Scharf  
President, IAIWM