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Testimony in support of HB 2775

To: Representative Sharon Schwartz, Chair, and the Agriculture Committee

From: Richard C. Suiter, Weights and Measures Consultant (NIST Retired)

Madam Chair and Members of the Committee:

I am a Weights and Measures Consultant with over 40 years' experience in the area of Weights and Measures regulation and enforcement. I served the Nebraska Department of Agriculture for 27 years in the Weights and Measure Program where, among other things I conducted evaluations of devices for the National Type Evaluation Program (NTEP). I also served The National Institute of Standards and Technology (NIST) formerly the National Bureau of Standards (NBS) for 11 years. During my time at NIST one of my duties was in the administration of the NTEP program, providing training and guidance in the requirements for the design and proper evaluation of Weighing and Measuring devices, for compliance with NIST Handbook 44. I continue to be active in the weights and measures community providing assistance to the National Conference on Weights and Measures (NCWM), various State Jurisdictions, Regional Associations, and some device manufacturers. A more complete biography of my experience and expertise is attached for your review.

The NCWM is an association of State, Federal, and Local weights and measures officials, device manufacturers and other interested parties. The NCWM had its start in 1905 when the NBS first brought together representative of the States in an effort to achieve uniformity in weights and measures enforcement programs throughout the country. NIST Handbook 44, which is published by NIST and is developed in cooperation with the NCWM, 44 sets out Specifications, Tolerances, and other Technical Requirements for weighing and measuring devices, was initiated from that effort. The NCWM and NIST continue to strive for uniformity today.

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The NTEP program was started in 1984 in an effort to provide that uniformity for device manufacturers. Prior to the inception of NTEP there were at least 13 individual pattern approval programs across the country. If a weights and measures device manufacturer wanted to be sure that their device would be acceptable for use in commerce anywhere in the country they might have to apply and submit a device to each of those 13 jurisdictions. The intent of NTEP is to allow a manufacturer to submit a device to one entity for evaluation

The NTEP is a pattern approval program administered by the NCWM whereby a weighing and measuring device manufacturer can submit a device for evaluation to assure compliance with NIST Handbook 44. Handbook 44 is published by NIST and developed in cooperation with the NCWM sets out specifications, tolerances, and other technical requirements for weighing and measuring devices intended to be used in commerce in any jurisdiction. Today 46 states require an NTEP Certificate of Conformance for any device to be used in commerce within state borders. The 4 states that have not formally adopted an NTEP requirement into law still accept an NTEP Certificate of Conformance and use it as a guideline to assure compliance with NIST Handbook 44. Handbook 44 has been formally adopted in all states and territories and goes a long way toward providing uniformity of enforcement within the weights and measures community. The NTEP program is an important tool in furthering that desired uniformity.

I believe that this bill will recognize that a commercial weighing or measuring device that has an NTEP Certificate of Conformance has been evaluated to assure compliance with the Specification section of an applicable code in NIST Handbook 44. It will save time for Kansas Weight and Measures Official and scale technicians when they conduct examinations of devices installed in the field. It also will provide assurance to device manufacturers that the State of Kansas requires commercial weighing and measuring equipment installed in Kansas to meet the same standards as those applied in other states that require NTEP certification, again providing uniformity.

Thank You.

(attachment)

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Biography for Richard Suiter
April 2014

As a native of Hallam, Nebraska, I worked in the field of weights and measures for over 38 years. I spent the first 27 of my career with the Nebraska Weights and Measures program where I worked in a variety of areas including laboratory metrologist (State Metrologist), field inspector, and program manager. During my time with Nebraska, I spent five years as a Member of the Committee on Specifications and Tolerances of the National Conference on Weights and Measures (NCWM), serving as Committee Chairman in the fifth year. I also performed type evaluations on behalf of National Type Evaluation Program (NTEP).

In August of 1997, I joined the Office of Weights and Measures at the National Institute of Standards and Technology (NIST) in the position of Weights and Measures Coordinator. As a key member and former acting group leader of the Device Technology Group in the Weights and Measures Division (WMD), my responsibilities at NIST included serving as technical advisor to the National Type Evaluation Technical Committee Measuring Sector, National Type Evaluation Technical Committee Weighing Sector, National Type Evaluation Technical Committee Belt Conveyor Scale Sector and Multiple Dimension Measuring Devices Work Group. I also was an editor for NIST Handbook 44. I was responsible for technical training of the National Type Evaluation Program (NTEP) laboratories in the area of liquid measuring devices. I provided guidance to the laboratories and state and local weights and measures officials on a daily basis. As an experienced trainer and speaker, I presented numerous training sessions and seminars and presented several instructor training seminars while a member of the NIST staff. I frequently provided training to weights and measures officials at regional weights and measures meetings and training seminars.

I was also a technical advisor to the National Conference on Weights and Measures Specifications and Tolerances Committee. As technical advisor I conducted research, analyzed technical issues, and provided guidance to the Committee members on the various agenda items being considered.

I retired from NIST on February 29, 2008 and now work as a private consultant assisting companies and individuals in the area of weights and measures regulations, standards, testing procedures, and equipment requirements. I continue to be an active member of the NCWM and am currently serving on the Retail Motor Fuel Device Price Posting and Computing Capability Task Group and Professional Development Committee Task Group developing a proficiency examination for large and medium capacity scales. I also periodically conduct training seminars for individual companies and State and Regional Weights and Measures Associations.

I received the equivalent of an associate degree in electronics through an accelerated program at Keesler Air Force Base while on active duty in the U.S. Air Force.

I have also taken courses in pre-engineering and business management at Nebraska Wesleyan University, The University of Nebraska, Hood College in Frederick, Maryland, and Mount Saint Mary's University in Emmitsburg, Maryland.

