

NCWM Board of Directors 2021 Interim Meeting Agenda

Mr. Hal Prince, NCWM Chairman
Florida

The Board of Directors will hold its quarterly meeting on Friday and Saturday, January 8-9, 2021 and continue that meeting during work sessions throughout the remainder of the Interim Meeting. The Board will conduct Open Hearings for the items in Table A during the Interim Meeting. Table A identifies the agenda items by reference key, title of item, page number and the appendices by appendix designations. The first four digits of an item's reference key are assigned from the Subject Series List. The acronyms for organizations and technical terms used throughout the agenda are identified in Table B. In some cases, background information will be provided for an item. The fact that an item appears on the agenda does not mean it will be presented to National Conference on Weights and Measures (NCWM) for a vote. The Board will review its agenda and may withdraw some items, present some items for information meant for additional study, issue interpretations, or make specific recommendations for change to the publications identified which will be presented for a vote at the Annual Meeting. The Board may also take up routine or miscellaneous items brought to its attention after the preparation of this document. The Board has not determined whether the items presented will be Voting or Informational in nature; these determinations will result from their deliberations at the Interim Meeting.

An "Item under Consideration" is a statement of proposal and not necessarily a recommendation of the Committee. Suggested revisions are shown in **bold face print** by ~~striking out~~ information to be deleted and underlining information to be added. Requirements that are proposed to be nonretroactive are printed in *bold faced italics*.

In some cases, there may be proposed changes affecting multiple model laws or regulations that share the same purpose or proposed changes to one model law or regulation may be dependent on the adoption of proposed changes to another. The Committee may group such items into "Blocks" to facilitate efficient handling for open hearings and voting. These blocks are identified in Committee's agenda.

All sessions are open to registered attendees of the conference. If the Committee must discuss any issue that involves proprietary information or other confidential material; that portion of the session dealing with the special issue may be closed if (1) the Chairman or, in his absence, the Chairman-Elect approves; (2) the Executive Director is notified; and (3) an announcement of the closed meeting is posted on or near the door to the meeting session and at the registration desk. If possible, the posting will be done at least a day prior to the planned closed session.

Note: It is policy to use metric units of measurement in publications; however, recommendations received by NCWM technical committees and regional weights and measures associations have been printed in this publication as submitted. Therefore, the report may contain references to inch-pound units.

Subject Series List

Activity Reports..... ACT Series

Strategic Planning, Policies, and Bylaws..... SPB Series

Financial FIN Series

Other Items OTH Series

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Table B
Glossary of Acronyms and Terms

Acronym	Term	Acronym	Term
AMC	Associate Membership Committee	NTEP	National Type Evaluation Program
NCWM	National Conference on Weights and Measures	OIML	International Organization of Legal Metrology
NIST	National Institute of Standards and Technology	OWM	Office of Weights and Measures

Details of All Items
(In order by Reference Key)

1 **ACT – ACTIVITY REPORTS**

2 **ACT-1 I Membership**

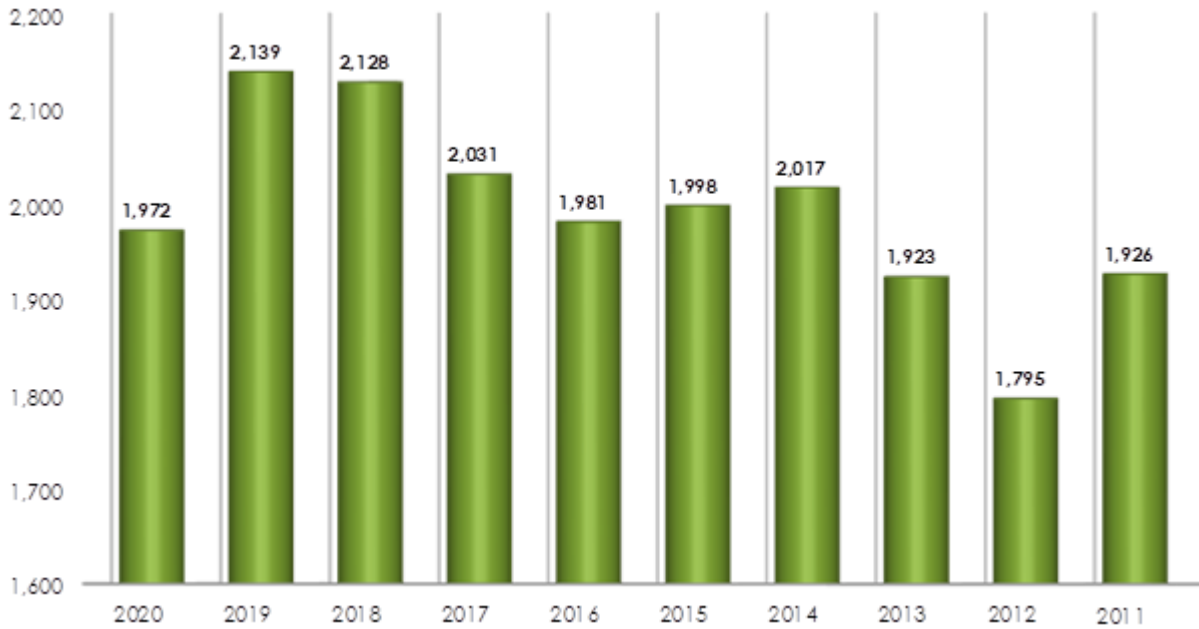
3 The chart and graph below show NCWM membership levels as of October 1 of recent years by membership categories.
 4 It should be noted that October 1 is the lowest level of membership for every fiscal year because it is the day that any
 5 memberships that were not renewed become lapsed. Significant growth is realized throughout the following 12 months
 6 as additional members return, and new members are received. The potential growth remains significant and NCWM
 7 continues to enhance programs and services that add value to membership.

Annual Membership Totals

Year Type	Oct. 2020	Oct. 2019	Oct. 2018	Oct. 2017	Oct. 2016	Oct. 2015	Oct. 2014	Oct. 2013	Oct. 2012
Associate	607	636	643	658	668	670	698	665	695
Foreign Associate	77	79	70	68	66	58	58	45	40
Total Associate	684	715	713	726	734	728	756	710	735
State Government	614	744	739	615	552	575	580	542	381
Local Government	397	406	412	429	447	444	441	435	450
Total Active	1011	1150	1151	1044	999	1019	1021	977	831
NIST	16	17	15	15	13	15	1	15	16
Other Federal Government	7	8	10	10	7	10	12	7	11
Foreign Government	13	14	14	13	12	13	14	12	6
Retired	241	235	225	223	216	213	213	202	196
Total Advisory	277	274	264	261	248	251	240	236	229
Grand Total	1972	2139	2128	2031	1981	1998	2017	1923	1795

1

Annual Membership Totals as of October 1, Each Year



2

3 **ACT-2 I Meetings**

4 The 105th NCWM Annual Meeting was adjourned to January 2021, immediately preceding the 2021 Interim Meeting
5 due to an international pandemic. The Hotel Murano in Tacoma, Washington, which would have hosted the 105th
6 Annual Meeting will now host the 2022 Annual Meeting.

7 In January 2021, NCWM will hold the Interim Meeting at the Sirata Beach Hotel & Conference Center, St. Pete,
8 Florida. Attendees enjoyed this location in 2018, and we look forward to returning. For more information about this
9 meeting, contact Ms. Elisa Stritt, NCWM Meeting Planner, at (402) 434-4872 or elisa.stritt@ncwm.com.

10 **Interim Meetings:**

- 11 • January 13-15, 2021 Sirata Beach Hotel & Conference Center, St. Pete, Florida
- 12 • January 7-12, 2022 Westin Tampa Waterside, Tampa, Florida

13 **Annual Meetings:**

- 14 • January 10-12, 2021 105th Annual Meeting: Sirata Beach Hotel & Conference Center, St. Pete, Florida
- 15 • July 18-22, 2021 106th Annual Meeting: Hyatt Regency Hotel, Rochester, New York
- 16 • July 10-14, 2022 107th Annual Meeting: Hotel Murano, Tacoma, Washington

17 The Board of Directors strives to plan meetings in locations that have reasonably priced airline service and are within
18 government per diem rates. The Board also evaluates locations and bids from hotels based on their ability to offer
19 comfortable rooms, quality meeting space, and a variety of nearby entertainment and dining options.

1 **ACT-3 I Participation in International Standard-Setting**

2 Dr. Charles Ehrlich (NIST OWM) will provide a report during Open Hearings of the 2021 NCWM Interim Meeting.
3 See Appendix A for a copy of the full report. The Board of Directors expresses appreciation to Dr. Ehrlich for his
4 report and the important efforts of the NIST Office of Weights and Measures around the world.

5 See the NTEP Committee Agenda for additional reports on NCWM's involvement internationally, including the
6 Mutual Recognition Arrangement (MRA) with Measurement Canada and the OIML Certificate System (CS).

7 **ACT-4 I Associate Membership Committee Activity**

8 Approximately 35% of NCWM memberships is Associate members. The Associate Membership Committee (AMC)
9 is organized under the Bylaws of the National Conference on Weights and Measures, Inc. Also, AMC operates by
10 separate Bylaws, which are available on the Committee page of www.ncwm.com. AMC meets at least 2 times per
11 year in conjunction with NCWM Interim and Annual Meetings, and they invite all to attend. The AMC consists of
12 between 5 and 10 members who, amongst themselves, elect officers to serve as Chair, Vice-Chair, and
13 Secretary/Treasurer. See Appendix B for information on current members and officers.

14 AMC has established a reputation for promoting and improving NCWM and has demonstrated its desire to improve
15 understanding of weights and measures activities in the public and private sectors.

16 The NCWM membership dues for Associate members of \$90 are \$15 higher than that for Active or Advisory members.
17 The extra \$15 is not for NCWM but rather is placed in a separate account referred to as the AMC Fund. The AMC
18 has the discretion to allocate the funds in various ways. One means of allocating these funds is to provide grants in
19 support of weights and measures training. The Committee receives applications and awards training grants from the
20 AMC fund following their "Guidelines for Selection and Approval of Training Funds," which are posted on the
21 Committee's webpage on www.ncwm.com. Downloadable applications for training grants and reimbursement forms
22 are also available at this site.

23 The criteria to receive AMC funds for training are as follows:

- 24 1. Funding request forms that are complete, specific, and detailed will receive priority attention for approval.
25 Based on the degree of missing or ambiguous information provided, individual requests may not be given
26 any consideration during the AMC review process, pending further clarification.
- 27 2. Preference is given to training requests that benefit higher numbers of participants over those for fewer or
28 single-person benefit. The Committee also gives priority consideration to multi-state training that encourages
29 uniformity.
- 30 3. In general, attending meetings such as NCWM Annual Meetings, Interim Meetings, or regional associations
31 meetings will not be considered training.
- 32 4. As a lower priority, the committee will consider requests for the purchase of training materials, but not
33 requests for the purchase of assets (such as projectors).
- 34 5. Reasonable funding for travel and expenses will be considered if it is necessary to acquire an "expert trainer"
35 that would benefit a high number of weights and measures officials. This will be an option when qualified
36 volunteers are not available.

37 At the 2020 Interim Meeting, Mr. Chris Guay encouraged members to apply for funding assistance for training events.
38 The goal of the AMC is to exhaust the funds annually. The funds may be used for such things as trainer expenses,
39 meeting room rental, and training materials. Regulatory agencies are encouraged to make use of these funds to
40 improve training opportunities and the expertise of inspection personnel. An attendee requested that the AMC consider
41 also using some of the funds to offset student travel for officials who otherwise would not be able to attend. Attendees
42 thanked the AMC for funding training.

1 AMC members are also looking for new, perhaps innovative ways to play a more effective role in the NCWM structure
2 to further improve the organization.

3 The AMC met during the 2020 Interim Meeting on Tuesday morning, January 28, at 7:30 a.m. All Interim Meeting
4 attendees, especially NCWM Associate members, are encouraged to attend AMC Meetings. (*See Appendix B for the*
5 *AMC Meeting Draft Minutes from January 2020.*)

6 **ACT-5 I Task Groups, Subcommittees, Steering Committees**

7 **Focus Groups, Task Groups, Subcommittees, Steering Committees:**

8 Focus groups, task groups, subcommittees, and steering committees are created by the NCWM Chairman and operate
9 as defined in NCWM Policy 1.5.1. Subgroups Supporting the Work of the Organization. A task group is given a
10 specific charge, and it reports to the appropriate NCWM standing committee. A task group will disband after
11 completing its assignment. A subcommittee is charged with ongoing responsibilities in support of a standing
12 committee in a specific field of expertise. A steering committee is charged with unbiased fact-finding that will assist
13 NCWM membership in decision processes for difficult issues. A steering committee will disband upon completion
14 of its specific charge.

15 NCWM offers resources to these task groups and subcommittees including meeting space at Interim and Annual
16 Meetings, conference calling and web meeting services, group email services, a dedicated web page for posting and
17 archiving documents related to their work, and broadcast e-mail services to reach targeted audiences. Additionally,
18 NIST OWM has provided technical advisors and web meeting forums. These tools enable year-round progress of task
19 group and subcommittee work.

20 Because NCWM task groups and subcommittees are part of the NCWM organizational structure and report directly
21 to its standing committees, their proposals may appear in *NCWM Publication 15* without first being vetted through a
22 regional association. NCWM vets any such proposals through the open hearings of NCWM.

23 The Promotional Toolkit Task Group reports to the Board of Directors. Among the activities of this group, it has
24 developed five videos, each showcasing inspection activities in the supermarket, scale inspections, retail motor fuel
25 dispenser inspections, motor fuel quality, and checking the net contents of packaged goods and LP Gas Meter
26 inspections. Mr. Stephen Benjamin (NC) reported that the next video will be about grain analyzer inspections. He
27 expects the next video to highlight laboratory metrology.

28 The Cannabis Task Group also reports to the Board of Directors. This group is addressing Scale Suitability, Method
29 of Sale, Packaging, and Labeling, Water Activity in Packaged Products, and Inspector Safety. Mr. James Cassidy
30 reported that Fran Elson-Houston will lead the focus group on Inspector Safety. The Task Group's goal is to present
31 a guidance document to the Board of Directors for comment and adoption by NCWM.

32 Chairman Hal Prince appointed a new Bylaws Review Task Group in August 2020 to also report to the Board of
33 Directors. Craig VanBuren will chair this group. The group will make recommendations on how NCWM can continue
34 to conduct business if it cannot conduct in-person meetings during the current pandemic. It will also review and make
35 recommendations to change the corporation's bylaws for consideration by the board and NCWM members.

36 Immediate Past Chairman Craig VanBuren requested anyone with interest in being the Safety Subcommittee Chair to
37 reach out to him or PDC Chair Marc Paquette.

38 Reporting to the Board of Directors:

39 **Promotional Tool Kit Task Group**

40 **Chair**

41 Mr. Stephen Benjamin
42 North Carolina Department of Agriculture
43 919-707-3225, steve.benjamin@ncagr.gov

1 **Cannabis Task Group:**
2 **Chair**
3 Mr. James Cassidy
4 Massachusetts Standards Division
5 617-349-6133, james.cassidy@mass.gov

6 **Bylaws Review Task Group**
7 **Chair**
8 Mr. Craig VanBuren
9 Michigan Department of Agriculture
10 517-655-8208, vanburenc9@michigan.gov

11 Reporting to the Laws and Regulations Committee:

12 **Fuels and Lubricants Subcommittee**
13 **Chair**
14 Dr. Bill Striejewske
15 Nevada Division of Measurement Standards
16 775-353-3792, wstriejewske@agri.nv.gov

17 **Packaging and Labeling Subcommittee**
18 **Chair**
19 Mr. Christopher Guay
20 Procter and Gamble Co.
21 513-983-0530, guay.cb@gmail.com

22 Reporting to the Specifications and Tolerances Committee:

23 **Credit Card Skimmer Task Group**
24 **Chair**
25 Mr. Hal Prince
26 Florida Department of Agriculture and Consumer Services
27 850-921-1570, harold.prince@fdacs.gov

28 Weigh-in-Motion Vehicle Scale Task Group	
Co-Chair	Co-Chair
Mr. Alan Walker	Mr. Tim Chesser
Florida Department of Agriculture and Consumer Services	Arkansas Bureau of Standards
850-274-9044, alan.walker@fdacs.gov	501-570-1159, tim.chesser@aspb.ar.gov

29 **Field Reference Standards Task Group**
30 **Chair**
31 Mr. Jason Glass
32 Kentucky Department of Agriculture
33 502-573-0303, jason.glass@ky.gov

34 **Milk Meter Tolerance Task Group**
35 **Chair**
36 Mr. Charlie Stutesman
37 Kansas Department of Agriculture
38 785-564-6681, charles.stutesman@ks.gov

39 **Verification Scale Division (e) Task Group**
40 **Chair**
41 Mr. Doug Musick
42 Kansas Department of Agriculture

1 785-564-6681, doug.musick@ks.gov

2 Reporting to the Professional Development Committee:

3 **Safety Subcommittee:**

4 **Chair**

5 Ms. Lori Jacobson

6 Retired

7 605-280-3920, BarJ7@yahoo.com

8 **Skimmer Education Task Group:**

Co-Chair

Ms. Paige Anderson

National Association of Convenience Stores (NACS)

703-518-4221, panderson@convenience.org

Co-Chair

Mr. John McGuire

New Jersey Weights and Measures

501-570-1159, mcguirej@dca.njoag.gov

10 **ACT-6 I Regional Association Activities**

11 2021 Meetings

12 **CWMA Annual Meeting**

13 May 5-8, 2021

14 Wisconsin Dells, WI

15 Contact: Sherry Turvey, sherry.turvey@ks.gov

16 **NEWMA Annual Meeting**

17 To be determined, 2021

18 Contact: James Cassidy, james.cassidy@mass.gov

19 **WWMA Annual Meeting**

20 September 26-30, 2021

21 Golden, CO

22 Contact: Mahesh Albuquerque, mahesh.albuquerque@state.co.us

23 **SWMA Annual Meeting**

24 October 10-13, 2021

25 New Orleans, LA

26 Contact: Stephen Benjamin, steve.benjamin@ncagr.gov

27 **SPB – STRATEGIC PLANNING, POLICIES, AND BYLAWS**

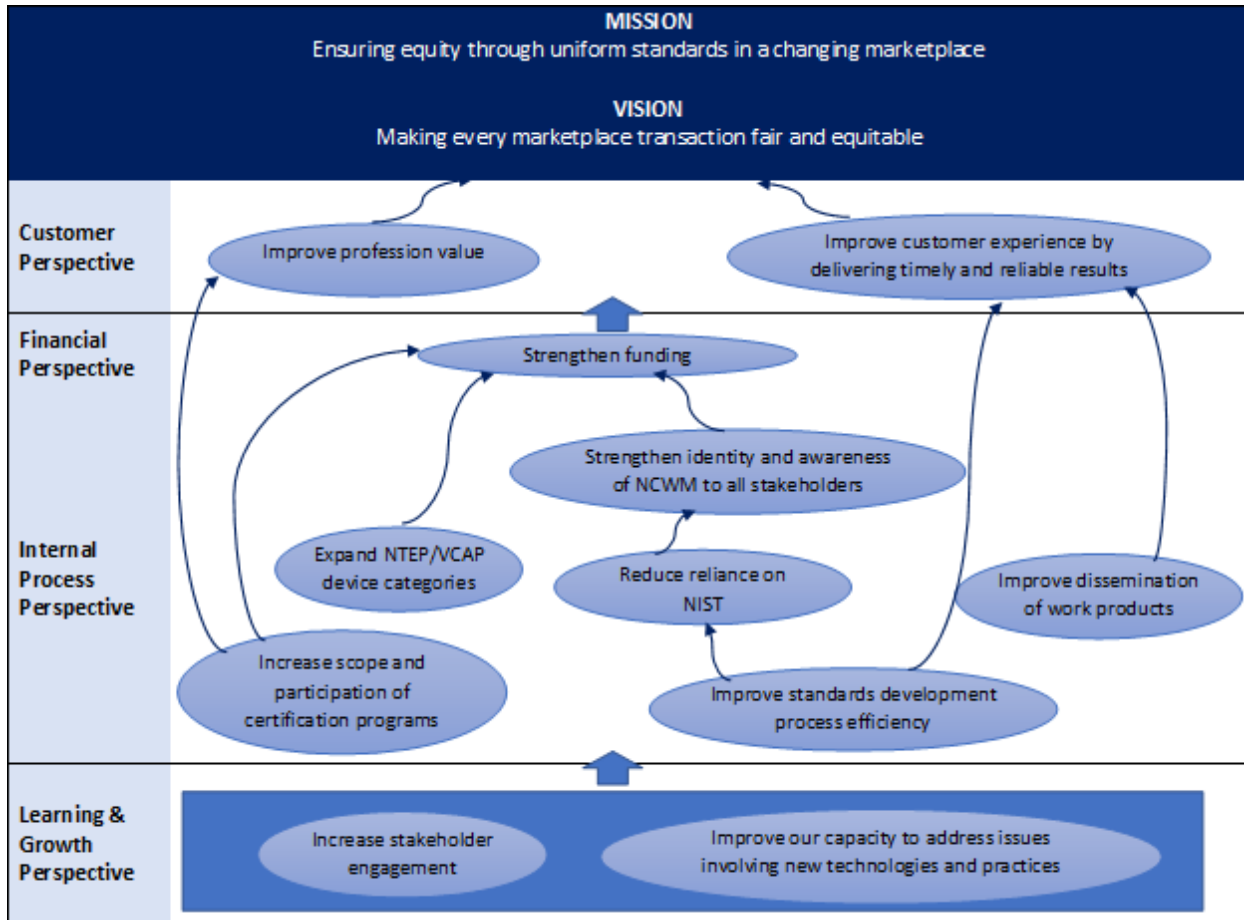
28 **SPB-1 I Strategic Planning**

29 The Board of Directors is engaged in strategic planning with the assistance of LBL Strategies, a professional
30 consulting firm. The process began with an environmental scan of a sampling of membership to help guide the
31 direction of the plan. The final planning session with LBL strategies was held in November 2019.

32 Through the planning process, the Board has established a “strategy map” to guide the organization toward its mission
33 and vision. The main elements of the strategy map are:

- 34 • Learning and Growth Perspective,
- 35 • Internal Process Perspective,

- 1 • Financial Perspective, and
- 2 • Customer Perspective



3

4 At the 2020 Interim Meeting, Chairman Craig VanBuren described the process the Board followed under the guidance
 5 of LBL Strategies, LLC in developing the plan, beginning with surveys and phone interviews with various
 6 stakeholders. He presented the feedback the Board received from stakeholders who formed the input to the process.
 7 See Appendix C. He then presented each of the following strategic plan outcomes for comments from attendees
 8 following a brief synopsis of each outcome (bulleted items below each Outcome). Those comments are summarized
 9 below.

10 The Board of Directors is also considering the recommendations of the Charter Team in Item SPB-2 of this report as
 11 input in the planning process. For this reason, Item SPB-2 will be withdrawn will be considered as part of this item.
 12 See Appendix D for the complete Charter Team Report.

13 **Outcome: Outreach to Stakeholders** (Perspective: Increase stakeholder engagement)

- 14 • **NCWM staff should notify industry stakeholders who may not monitor NCWM’s agendas of new**
 15 **proposals that affect them.**
- 16 • NCWM has previously relied on NIST OWM for this outreach, but NCWM has a responsibility to provide
 17 transparency and due process.

18 Summary of Member Feedback:

- 1 • Increase outreach to consumer groups and associations for participation. As an example, NCWM could
2 notify the Dairy Farmers of America (DFA) of the proposal this year to lessen tolerances on vehicle-mounted
3 milk meters.
- 4 • Do outreach to industry in such a way that it helps overcome the “oppositional” dynamic between regulators
5 and regulated industries.
- 6 • States should consider doing outreach to industry within their state.
- 7 • We as a community rarely reach out to the public and consumers and we need to find ways to engage them.
- 8 • Outreach is important, but how will the Board allocate resources to do it?
- 9 • NIST has the authority to work with governments and other agencies and nations, which most states are
10 limited from doing and we have had a very nice working relationship between NIST and NCWM in this
11 regard.
- 12 • What has NIST done or not done regarding outreach and why can't NCWM and NIST couldn't work together
13 on this. Mr. VanBuren noted he couldn't comment on whether NIST has or has not been reaching out to
14 stakeholders.
- 15 • If this is related to a singular issue it raises the question of why a 100-year history should be abandoned? Mr.
16 VanBuren cited an issue relating to pet chews and acknowledged there should have been more back and forth
17 dialog with NIST on this. He clarified that NCWM is not trying to replace NIST in the role of outreach, but
18 NCWM needs to take more responsibility for that part of the process. The Board would need to consider
19 costs, plans, and expectations.
- 20 • NCWM should contact the organizations that are submitting letters and try to get their participation.

21 **Outcome: Develop Jurisdictional Outreach** (Perspective: Increase stakeholder engagement)

- 22 • **Create a marketing plan for increased participation and membership and encourage organic growth**
23 **through recruitment**
- 24 • **Create recognition program for 100% membership within a state or local program**
- 25 • **Publicize NCWM meetings to weights and measures officials in the general area where being held**
- 26 • **Support rulemaking among the states requiring inspector membership to obtain important benefits**
27 **including the standards, training opportunities and certifications**

28 Summary of Member Feedback:

- 29 • Help regulators gain legislative and public support for their programs. Weights and measures officials are
30 typically not permitted to talk with legislatures to argue for support for their programs.
- 31 • Do lobbying; create Public Service Announcements, work with organizations like the Farm Bureau and the
32 National Association of State Directors of Agriculture, and partner with grassroots-level organizations.
- 33 • There is value in educating all these stakeholders, including legislative bodies, commissions, and industry
34 (even when there aren't immediate issues at stake) do not underestimate the power that such bodies have in
35 advocating for support on a regular basis.
- 36 • It is important to educate consumers and find ways to engage them to advocate for weights and measures,
37 particularly given the large numbers in this stakeholder group.
- 38 • Administrators should partner with other agencies, which strengthens their influence with legislators.
- 39 • Few people speak in support of weights and measures' budgets in these venues; lobbyists are typically used
40 to advocate for issues. NCWM study the idea of using lobbyists.
- 41 • It is critical for this general kind of outreach to involve state directors. Don't make assumptions about the
42 needs of individual states.
- 43 • We need to consider how to change the mindset of some industry members who may not recognize the value
44 of weights and measures in helping to ensure all businesses are held to the same standards.
- 45 • NCWM focusses on industries, and perhaps it can improve on consumer awareness as a means of increasing
46 support for programs.
- 47 • People should share the materials including the videos in the Promotional Toolkit Work Group with
48 stakeholders. Legislators also respond better to pictures and graphs than letters.

- 1 • Encouraging members to do outreach to potential members and attendees.
- 2 • Hiring a communications or public relations person and create additional, hands-on, training programs for
- 3 field officials.

4 **Outcome: Expand Device Types Subject to NTEP Certification** (Perspective: Expand NTEP/VCAP device

5 categories)

- 6 • **Device types already appearing in Handbook 44**
- 7 • **Medical Devices**
- 8 • **THC Analysis Instruments for hemp law enforcement**

9 Summary of Member Feedback:

- 10 • There may be an opportunity to grow the scope of NTEP for device types already appearing in Handbook
- 11 44.
- 12 • Scale manufacturers have requested standards and NTEP certification for medical scales. FDA does not have
- 13 standards for these, and the manufacturers claim the United States is the only country without standards.
- 14 • Would there be liability associated with certifying medical scales?
- 15 • Be sure NTEP properly defines the evaluation criteria before issuing certificates on new device types.
- 16 • Finally, there was concern that NTEP may have too much backlog to handle additional requests for
- 17 certifications. Mr. Onwiler agreed that backlog was once a problem, but for the last ten years, the number of
- 18 open projects has been around 90. This is not considered backlog, but merely work in progress.
- 19 • Weights and measures lack expertise or authority over medical devices.
- 20 • Why don't weights and measures jurisdictions regulate or have authority over certain device types that should
- 21 be regulated?
- 22 • Consider NTEP certification for timing devices and measuring devices such as those dispensing water and
- 23 ice.

24 The Board is also considering the development of standards and NTEP certification for THC analysis instruments for

25 industrial hemp law enforcement. This also came at the request of a device manufacturer.

26 **Outcome: Expand the Scope of VCAP** (Perspective: Expand NTEP/VCAP device categories)

- 27 • **Communicate with key industry and regulators to identify potential areas**
- 28 • **NTEP Committee would develop proposals and conduct open hearings**
- 29 • **NTEP Committee would make recommendations to the Board to amend Publication 14 Administrative**
- 30 **Policy to add device types to the scope of VCAP**

31 NCWM will talk to industry and regulators to identify potential areas for VCAP expansion. The NTEP Committee

32 would develop proposals for any identified device types. This would require a change to *Publication 14*

33 *Administrative Policy*, so, ultimately, the Committee would make recommendations to the Board of Directors.

34 **Outcome: Copyright and Publish Handbooks 44, 130 and 133)** (Perspective: Reduce reliance on NIST and

35 strengthen identity and awareness of NCWM to all stakeholders)

- 36 • **NCWM should look to copyright and publish**
- 37 • **Must work with NIST on a transition plan**

38 Summary of Member Feedback:

- 39 • Can NCWM legally copyright the standards?
- 40 • Why is autonomy important for NCWM?
- 41 • This effort would require additional staff and costs to NCWM. Can NCWM afford to publish the standards
- 42 without increasing fees?

- 1 • NIST spends significant resources in staff time and publishing costs to prepare and publish the handbooks.
2 Has the Board estimated the costs of taking this on? Where would such resources come from? Will this
3 result in an increase in membership costs?
- 4 • Members value that NIST technical experts provide interpretations of the provisions of *NIST Handbook 44*,
5 *130*, and *133* and provides continuity and neutrality. What would the impact be with NIST no longer
6 providing interpretations?
- 7 • Would this affect the availability and affordability of the handbooks? Would they remain online for free
8 download? Some jurisdictions routinely direct people to the free handbooks on the NIST website and this
9 would represent a significant impact to those constituents.
- 10 • If the handbooks would remain free with the proposed change, what is the rationale for copyrighting them?
- 11 • Jurisdictions that adopt documents published by other private organizations spend thousands of dollars to
12 obtain them. One member shared the opinion it is wrong that people must pay to find out the requirements
13 with which they need to comply.
- 14 • What will the impact be on small companies?
- 15 • Tests administered by some states are open-book tests, charging a fee for testing and a fee for the required
16 handbook may be a burden for some companies.
- 17 • NIST publishes other handbooks such as the 105 Series Handbooks for laboratory metrology. How would
18 this proposed change affect those publications?
- 19 • Legislation or rulemaking can be difficult in some states, including:
 - 20 ○ The need to educate lawmakers to make such changes and the difficulty in the need to make changes.
 - 21 ○ Some jurisdictions must change both statutes and rules.
 - 22 ○ Limits on the number of changes their agency is permitted to make per session.
 - 23 ○ Opening a bill to make such changes may have unintended consequences.
 - 24 ○ The frequency with which such changes can be made varies widely and this could mean a lag in
25 uniform adoption.
 - 26 ○ Some states may choose to withdraw from NCWM rather than go through legislation changes
- 27 • NIST brings expertise to preparing the handbooks for publication, puts a great amount of time and resources
28 into publishing the handbooks, and provides continuity.
- 29 • Is this an effort purely to raise awareness of NCWM as a standards organization, or is it about increasing
30 revenue?
- 31 • Reference to NCWM already appears on the *NIST Handbooks 44*, *130*, and *133*; how much more recognition
32 is needed? Should it be more prominent?
- 33 • Might this cause a decrease in the NIST Office of Weights and Measures budget, less involvement of OWM
34 and less support by NIST of NCWM going forward?
- 35 • There may be other unintended consequences.
- 36 • If the proposed plan is not successful, what will the impact be on the States?
- 37 • Some acknowledged the concern of a weak brand, but questioned why autonomy from NIST is so important?
- 38 • Is this effort driven by a move to “unbind” the NCWM and NIST? What are the consequences of doing so?
- 39 • Taking over publication of the handbooks is way down on the list of priorities; there are many things that are
40 more important.
- 41 • Since the NCWM and NIST are already working in partnership for developing and publishing the handbooks
42 and this is a role of NIST, why don't we focus on how we can work together to accomplish things that haven't
43 already occurred?

44 Other comments and suggestions were as follows:

- 45 • Consider co-ownership of the handbooks while retaining NIST as the publisher.
- 46 • Redesign the cover to give increased prominence to NCWM.
- 47 • Consider finding a middle ground where that promotes NCWM while maintaining NIST credibility.
- 48 • Bring NIST into the strategic planning process with the Board.
- 49 • Copyrighting is not as scary as it may seem. NCWM would be adopting the model set by other standards
50 organizations that copyright, publish, and distribute their standards.

- 1 • Consider creating model legislation outside of opening laws or rules to recognize NCWM standards.
- 2 • Prioritize the outcomes before moving forward.
- 3 • Treat the copyright decision as a business item, subject to a vote of the membership. If such a major change
- 4 in the collaboration with NIST is not brought to a vote, trust between the Board and membership is being
- 5 violated.

6 The Board appreciates the thoughtful comments, questions, and suggestions. The question was raised as to why NIST
 7 was not included in the development of the strategic plan. Mr. VanBuren acknowledged that NIST should have been
 8 invited to participate and stated NIST will now be asked to participate in the planning. Mr. VanBuren assured
 9 participants that copyrighting the standards is not an effort to raise revenues, but rather it is about NCWM taking
 10 responsibility for the entire process.

11 **Outcome: Support Professional Growth:** (Perspective: Improve the Standards Development Process)

- 12 • **Expand the Professional Certification Program**
- 13 • **Training:**
 - 14 ○ NTEP
 - 15 ○ **Other opportunities?**
- 16 • **We hope NIST will continue and expand their offerings of technical training**

17 NCWM will continue to grow the Professional Certification Program by offering exams in additional weights and
 18 measures disciplines. NCWM would like to offer NTEP training for weights and measures officials, and the Board
 19 would consider other opportunities that may arise. The Board hopes that NIST will be able to expand its training
 20 offerings as well.

21 **Summary of Member Feedback:**

- 22 • Offer regional training, co-teaching with NIST, and training for cannabis sites, using the “extension agents”
 23 model.
- 24 • Do outreach to grade schools during Weights and Measures Week and share guidance on activities and for
 25 materials such as rulers to distribute.
- 26 • Some state officials have provided a great deal of training, but it takes time away from their responsibilities,
 27 so more trainers are needed, raising the question of who those will be.
- 28 • We all hope more trainers will step forward, but will we be able to sustain that model and ensure the expertise
 29 is maintained. Mr. VanBuren noted this is an issue that is still being explored and acknowledged that using
 30 state regulators alone may bring with it concerns about jurisdictional bias.
- 31 • NCWM could hire a full-time or part-time person to deliver training.
- 32 • Make NTEP training a priority for field officials to become NTEP evaluators and NTEP training in general
 33 to continue to provide integrity to NTEP.
- 34 • The WWMA is continuing to offer regional training, but not in conjunction with its Annual Meeting. One
 35 WWMA director, noted it was difficult to get participation and those who attended had to choose between
 36 participating in the meeting and participating in the training. Another WWMA director commented that
 37 offering regional training allowed him to justify bringing more people to the meeting and expose them to the
 38 process and give them more insight and experience with the process for handbook development.
- 39 • The CWMA and NEWMA do offer training in conjunction with the meetings and see it as a valuable
 40 networking opportunity between attendees of the two concurrent events. One CWMA member noted that
 41 involvement of multiple jurisdictions in one training event also helps reduce the divergence of training from
 42 state to state. A NEWMA member noted that offering training as part of the regional meeting is not only a
 43 way to get participation of future members of the region but possibly the NCWM as well.
- 44 • The overwhelming need for training lends credibility to the Professional Development Committee and its
 45 role in the weights and measures community and to the NCWM. One member commented that, if the NCWM
 46 plans to pursue offering NTEP and other training and expanding professional certification.
- 47 • NCWM needs to hire someone with expertise in certification who understands how to grow that program.

- 1 • Members expressed compliments and gratitude for the quality training that NIST provides, including their
2 ability to present the training without bringing jurisdictional bias into it.
- 3 • Since NIST's funding is limited and training is so important, agencies should be willing to pay for training.
- 4 • This item was presented as if NCWM intended to take over training. If this is not the intent, the presentation
5 needs to be changed. Instead, NCWM and NIST should work together to find ways to provide more training.
6 Mr. VanBuren responded that this is not the intent; the intent is to emphasize the need to find ways to present
7 training.
- 8 • We need increased training. As a community we are weak on our ability to provide adequate training and my
9 jurisdiction is regularly challenged on this point.

10 **Outcome 5: Processes and Procedures (Perspective: Improve standards development process efficiency_**

- 11 • **Consider recommendations by the Charter Team to improve the standards development process (See**
12 **Board Agenda, Appendix C).**
- 13 • **Concept 1: Improvements and Policy Changes to the Current Model**
- 14 • **Concept 2: Implement Twice-per-Year Voting Sessions**
- 15 • **Assume responsibility for drafting and finalizing committee reports.**

16 Summary of Member Feedback:

17 Mr. VanBuren explained that NCWM will consider the recommendations by the Charter Team, as contained in
18 Appendix C. There were two concepts. The first contains improvements to the current standards development
19 process, some of which have already been implemented. The second concept is to vote twice per year.

- 20 • There was support for considering the process of voting twice per year, provided it allows for each region to
21 address any item before NCWM votes on it. A member warned that it might require careful planning.
22 Another member stated opposition to the twice per year voting.
- 23 • Another element of this outcome is for NCWM to assume responsibility for drafting and finalizing committee
24 reports. This was part of the Charter Team's Concept 1. The Board has been offered possible solutions for
25 comments for several years, and it is now folded this into the strategic plan.
- 26 • Assign someone to each committee to take notes and draft reports so that the committee members can be
27 fully engaged in the discussions. This may be a volunteer or paid position.
- 28 • Hire a stenographer for each committee; however, this can be expensive, and the stenographer would not be
29 able to distinguish between relevant and nonrelevant information. The stenographer may also need to be
30 involved in the Committee work sessions if this is pursued.
- 31 • Use audio recordings rather than taking notes. This practice would still require that someone play it back to
32 generate a draft report.
- 33 • Have NIST to continue in its role and ensure the Committee members are actively participating in the process.
- 34 • NIST will continue to work with the committees to prepare the reports as long as they are publishing the
35 NIST Handbooks 44, 130, and 133. This doesn't preclude the need for committee members to step up and
36 take more responsibility. Mr. VanBuren concurred with the need for committee members, in some instances,
37 to be more actively involved and others seconded this observation.
- 38 • Having committee members take notes is valuable; having multiple sets of notes helps ensure that the full
39 range of comments are captured on an item.
- 40 • A Board member commented that having NIST involved in making proposals to the committees and being
41 involved in the discussions and working on the report is seen by some as a conflict of interest. Multiple
42 members disagreed with this observation, with one member noting this is no different from individual
43 Committee members putting forth proposals.
- 44 • Several comments were made in support of NIST continuing to prepare the reports with input by committee
45 members and individual committee members taking more responsibility for reviewing and ensuring the
46 correctness of the report.
- 47 • Members commented that they haven't seen issues with NIST slanting or incorrectly completing reports and
48 asked for specifics rather than relying on rumors.

- 1 • Committee members are responsible for agreeing to the final report and that NIST OWM staff have no vote
2 on the reports. NIST OWM circulates reports to the Committee for final review and approval, but Committee
3 members need to do more than a cursory review. The committee chairman is responsible for making sure
4 this happens.
- 5 • Ensuring committee members are actively involved also invests them in the accuracy of the reports.
- 6 • There are differences in how committees prepare their reports. Some committees are already sharing
7 responsibility in preparing content for the reports.
- 8 • We should return to the practice of having individual Committee members sign the reports to provide more
9 visible and conscious ownership of the committee reports by committee members.
- 10 • Someone must be responsible for putting out a quality report. Whatever ends up in the committee report ends
11 up in the handbooks.
- 12 • The most important thing that comes out of a meeting is the report that provides the basis for interpretation.
- 13 • Reports to be freely available on an ongoing basis.
- 14 • If we are lucky, we will have a committee member who can do draft and finalize reports, however, not
15 everyone is adept at taking notes and writing. Mr. VanBuren commented this option has been taken off the
16 table by the Board. At least one member emphasized the need for NCWM and NIST to work together.
- 17 • NIST has missed meetings due to the government furlough. This is historically rare, but committee members
18 were well capable of handling the process in those two instances.
- 19 • There are instances when NIST advisors found problems with language and were the ones helping to ensure
20 the committees are considering the right information.
- 21 • Improvements are needed to the overall process. The lack of consistency in the process at times has caused
22 more difficulty and hurt feelings.
- 23 • There is an apparent lack of structure and rules in place for the many task forces and work groups, and a
24 disregard for the rules that are in place.
- 25 • We need improved committee training, better consistency in processes from one meeting to the next,
26 willingness to withdraw poorly developed or technically unsound proposals, and extend standing committee
27 rules to the subcommittees.
- 28 • We need to find ways to educate and assist submitters in preparing their proposals; many proposals lack focus
29 and clarity and the items linger on the agendas with no real progress.
- 30 • Committees need to provide more specific feedback to submitters to assist them in addressing gaps in their
31 proposals. Such steps would be a help to the overall process.
- 32 • Address current problems with the overall process before considering twice-per-year voting.
- 33 • The details of the Board's thoughts on strategic planning should have been distributed to NCWM members
34 at the time that the letter was distributed to Dr. Olson (NIST OWM) in July 2019. This would have provided
35 members the opportunity to carefully consider the proposed direction and actions and be in a better position
36 to share their views.
- 37 • NCWM and NIST to work together are encouraged to work together.

38 The Board will continue the planning process, beginning with prioritizing objectives. NIST OWM will participate
39 with the Board as the process proceeds.

1 **SPB-3 I Publications 15 and 16 Committee Report Format**

2 **Source:**

3 Committee Development Focus Group (2019)

4 **Purpose:**

5 Improve committee report formats to be more consistent and concise in how detail is provided for agenda items
6 without sacrificing relevant content.

7 **Item Under Consideration:**

8 Adopt the following format for agenda items of the NCWM Standing Committees and Board of Directors for proposals
9 to amend *Handbooks 44, 130 and 133*, NCWM bylaws and policies, and *NTEP Publication 14: Administrative Policy*.

10 **[Item No.] [Status] [Title]**

11 **Source:**

12 [Organization and year introduced into NCWM's agenda]

13 **Purpose:**

14 [Concise statement of intent, such as problem being fixed]

15 **Item under Consideration:**

16 [Proposed Language]

17 **Previous Action:**

18 (e.g.) 2016: Informational
19 2017: Voting – Returned to Committee
20 2018: Voting

21 **Original Justification:**

22 [From Form 15]

23 **Arguments in Favor:**

24 **Regulatory:**

- 25 • A
- 26 • B
- 27 • C

28 **Industry:**

- 29 • A
- 30 • B
- 31 • C

32 **Advisory:**

- 33 • A
- 34 • B
- 35 • C

36 **Arguments Against:**

37 **Regulatory:**

- 38 • A
- 39 • B

- 1 • C

2 **Industry:**

- 3 • A
4 • B
5 • C

6 **Advisory:**

- 7 • A
8 • B
9 • C

10 **Item Development:**

11 [Explain any changes made to the original proposal and committee recommendations]

12 **Regional Associations' Comments:**

13 [Refresh each year based on regional reports]

14 **Background/Discussion:**

15 Each fall, NCWM Conducts a Committee Development Meeting for standing committee chairs, newly appointed
16 committee members, and NIST technical advisors. At the 2017 Committee Development Meeting, the committee
17 chairs decided to form a focus group with the Executive Director to address some of the topics of that meeting.
18 Participants were Lori Jacobson (SD), Ethan Bogren (Westchester County, NY), Ivan Hankins (IA) and Don Onwiler
19 (NCWM Executive Director). The focus group addressed the following items:

- 20 1. Open Hearing Protocol for Committee Chairs
21 2. Work Session Protocol for Standing Committees
22 3. Proper handling of Amendments from the floor during Voting Sessions
23 4. Improved Format for Agenda Items

24 When addressing format of agenda items, the focus group began by outlining the key elements of a good report,
25 including:

- 26 • The justification that was provided by the submitter
27 • Arguments received by the committee in favor
28 • Arguments received by the committee against
29 • Committee deliberation and recommendations

30 Additionally, the focus group discussed and agreed upon the following considerations:

- 31 • Chronological Development: The focus group believes that the report should describe how the item evolved
32 chronologically, but that it should not repeat the same comments from one meeting to another.
33 • Specific Comments: The focus group does not believe it is necessary to name each commenter. Simply
34 include pertinent points in the report.
35 • Bullet Points: The focus group discussed the benefits of providing key points in bullet point fashion to
36 simplify review for readers.

37 The focus group also discussed the present practice of placing "Background/Discussion" of agenda items in an
38 appendix instead of putting that information within the agenda. The change was made in response to comments that
39 there were too many pages of discussion to page through to see what is being proposed. The focus group is hopeful
40 that a more concise presentation of the committee report will make it more acceptable to return to the previous practice.

41 Appendix E shows an example of an actual 2018 agenda item reformatted to fit the proposed template. The example
42 is Item SCL-7: S.1.8.5. Recorded Representations, Point of Sale Systems. The item was reduced from 6 pages to 4

1 pages using the new template. A reformatting of this significance would require review to ensure all relevant
2 information has been retained.

3 By providing a more concise item format, members may be more accepting of placing the "Background/Discussion"
4 of items on the agenda as shown in the sample format instead of in an appendix to the agenda. There was general
5 support for this format at the 2019 Interim Meeting. However, there were requests to improve the item numbering
6 system so that the item number never changes for the life of the item. Based on a recommendation from the audience,
7 a new numbering system was implemented in fall 2019 whereby the item number will include the last 2 digits of the
8 year submitted (e.g. GEN-19.1, SCL-19.2, SCL-19.3, etc.) and the number will not change through the lifecycle of a
9 proposal.

10 At the 2019 Annual Meeting, the Board presented a new item numbering format that will allow an item to remain
11 unchanged for the lifespan of the proposal as shown here:



12 In this example, this is the first item introduced for 2020 to amend the Handbook 44 Scale Code.

13 Members requested that the items continue to be presented in the order reflecting the flow of the code or regulation
14 being amended. There was some discussion of adding additional coding to identify more specifically the section of a
15 code or regulation being amended. In general, the body supports the new numbering system. It will not affect how
16 item blocks are organized and efforts will be made to continue mapping how items have been moved to blocks.

17 NCWM will implement the new format for all new proposals submitted in 2020. Carryover items will remain in their
18 original format and will naturally fall from the agendas. Additionally, the background and discussion for each item
19 will be removed from Appendix A and inserted into the body of the agenda. There will also be more clear distinction
20 between the current proposal and those from previous reports.

1 **SPB-21.1 Article 1 – General, Section 4 - Dissolution**

2 **Source:**
3 California Division of Measurement Standards

4 **Purpose:**
5 Update NCWM Bylaws to be more reflective of current status.

6 **Item Under Consideration:**
7 Amend NCWM Bylaws as follows:

8 **Article I - General**

9 ...

10 **Section 4 - Dissolution**

11 The Corporation shall dissolve in the event that the number of members falls below **one thousand (1,000)**
12 ~~two hundred and fifty (250)~~. Upon the dissolution of the Corporation, assets shall be distributed for one or
13 more exempt purposes within the meaning of section 501(c)(6) of the Internal Revenue Code, or any
14 corresponding section of any future Federal tax code, or shall be distributed to the Federal Government, or
15 to a State or local government, for a public purpose. Any such assets not so disposed of shall be disposed of
16 by a Court of Competent Jurisdiction of the county in which the principal office of the Corporation is then
17 located, exclusively for such purposes or to such organization or organizations, as said Court shall determine,
18 which are organized and operated exclusively for such purposes.

19 **Previous Action:**
20 (e.g.) N/A

21 **Original Justification:**
22 Membership levels are reported each year in the NCWM Board of Directors Interim Meeting Report. Reports going
23 back to 2015 are available on the NCWM website. Since 2007, the lowest membership level was recorded in 2013
24 (2116 members). The highest was 2549 in 2008. The average (2007 to 2019) was 2267.

25 The current NCWM Strategic Plan has an overarching goal to grow membership to 5,000 by 2025.

26 The submitter requested that this item be given Voting status in 2021.

27 **Arguments in Favor:**

28 **Regulatory:**
29 •

30 **Industry:**
31 •

32 **Advisory:**
33 •

34 **Arguments Against:**

35 **Regulatory:**
36 •

1 **Industry:**

2 •

3 **Advisory:**

4 •

5 **Item Development:**

6 **SPB-5 I Bylaws, Article IX - Committees**

7 **Source:**

8 NCWM Board of Directors (2020)

9 **Purpose:**

10 Streamline the standards development process by elevating the Fuels and Lubricants Subcommittee into a standing
11 committee.

12 **Item Under Consideration:**

13 Amend the NCWM Bylaws as follows:

14 **Article II - Committees**

15 ...

16 **Section 5 - Standing Committees**

17 The Board of Directors may create and disband standing committees in the best interests of the Corporation.
18 As referenced in Article IX, Section 1, the Chairman makes appointments to the several special purpose
19 committees. The current standing committees are:

- 20 1. Committee on Specifications and Tolerances;
- 21 2. Committee on Laws and Regulations, and
- 22 3. **Committee on Fuels and Lubricants**
- 23 **34.** Committee on Professional Development

24 **Membership**

25 The membership of each of the standing committees consists of five members, at least one member from
26 each of the four weights and measures regions, appointed by the Corporation Chairman from the active
27 membership on a rotating basis for 5-year terms, or until a successor is appointed. In addition, every fifth
28 year the Corporation Chairman shall appoint a nonvoting Associate Member Representative (AMR) to the
29 Committee on Laws and Regulations and the Professional Development Committee. The AMR shall be
30 nominated by the Associate Membership Committee and shall serve a 5-year term, or until a successor is
31 appointed.

32 When it is necessary to make an appointment to any of the standing committees to fill a vacancy caused by
33 the death, resignation, or retirement from active service by a committee member, the appointment is for the
34 unexpired portion of the member's term.

35 Except as noted, each standing committee annually selects one of its active members, preferably its senior
36 member, to serve as its chairman.

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Section 5 - Duties and Fields of Operation of Board of Directors and Committees

A. Laws and Regulations Committee

The Laws and Regulations Committee annually presents a report for Corporation action.
Its scope embraces all matters within the area of weights and measures supervision including:

- 1. the development and interpretation of uniform laws and regulations;
- 2. the study and analysis of bills for legislative enactment;
- 3. the establishment and maintenance of published guidelines and other effective means of encouraging uniformity of interpretation and application of weights and measures laws and regulations; and
- 4. liaison with Federal agencies, State agencies, and other groups or organizations on issues within the purview of the Committee. This role entails explaining, advocating, and coordinating Corporation positions, recommendations, and needs before Federal Government agencies, consumer groups, the associate NCWM membership, domestic and international standards organizations, industry, trade associations, and others. The goals are to provide and solicit information, develop a spirit of cooperation, and promote uniformity with the activities and standards of the NCWM.

B. Specifications and Tolerances Committee

The Specifications and Tolerances Committee annually presents a report for Corporation action.
Its scope embraces all matters dealing with:

- 1. specifications, tolerances, and technical requirements of any kind relating to scales, weights, measures, and weighing and measuring devices and accessories, including interpretation of such material whenever necessary,
- 2. standards and testing equipment for weights and measures officials,
- 3. procedures for testing commercial equipment, and
- 4. liaison with Federal agencies, State agencies, and other groups or organizations on issues within the purview of the Committee. This role entails explaining, advocating, and coordinating Corporation positions, recommendations, and needs before Federal Government agencies, consumer groups, the associate NCWM membership, domestic and international standards organizations, industry, trade associations, and others. The goals are to provide and solicit information, develop a spirit of cooperation, and promote uniformity with the activities and standards of the NCWM.

C. Fuels and Lubricants Committee

The Fuels and Lubricants Committee annually presents a report for Corporation action.

Its scope embraces all matters dealing with:

- 1. **standard specifications for fuels and lubricants,**
methods of sale for fuels and lubricants,
- 2. **labeling, documentation and terms in the sale of fuels and lubricants,**
- 3. **standards for handling and storing fuels and lubricants, and**
- 4. **liaison with Federal agencies, State agencies, and other groups or organizations on issues within the purview of the Committee. This role entails explaining, advocating, and coordinating Corporation positions, recommendations, and needs before Federal Government agencies, consumer groups, the associate NCWM membership, domestic and international standards organizations, industry, trade associations, and others. The goals are to provide and solicit information, develop a spirit of cooperation, and promote uniformity with the activities and standards of the NCWM.**

1 **ED.** Professional Development Committee

2 The mission of the Committee is:

3 To provide leadership to develop and implement uniform, quality weights and measures services in the
4 areas of:

- 5 1. effective program management,
6 2. education, and
7 3. public relations.

8 ...

9 (Re-letter remaining paragraphs.)

10 **Background/Discussion:**

11 The purpose of the Fuels and Lubricants Subcommittee (FALS) is to provide expertise and support to the Laws and
12 Regulations (L&R) Committee. The L&R Committee assigns agenda items to FALS for development. FALS then
13 develops recommendations which they submit back to the L&R Committee for consideration by the general
14 membership.

15 FALS has grown in terms of membership and challenging issues. The Board believes it is time to consider a more
16 streamlined approach to standards development using the proven standing committee approach. All would still
17 participate in the process through open hearings while allowing the smaller standing committee to develop the
18 recommendations for consideration by the membership. Members outside of the standing committee would qualify
19 for appointments to task groups to address specific items where the standing committee requests assistance.

20 An additional benefit would be reduced workload for the hard-working L&R Committee.

21 At the 2020 Interim Meeting, FALS Chair Bill Striejewski and various FALS members expressed a desire to maintain
22 the current structure of the subcommittee reporting to the L&R Committee. Members fear they may lose their voice
23 in the process with the dissolution of FALS. They do, however, recognize a need to restructure how the subcommittee
24 conducts business. FALS members also value the Sunday sessions at Interim and Annual Meetings, where they all
25 come together to discuss items.

26 The Board will retain the proposal as an Informational item to allow FALS time to consider how they might improve
27 their structure and process.

28 **SPB-21.2 Bylaws, Article IX - Committees**

29 **Source:**

30 California Division of Measurement Standards

31 **Purpose:**

32 Clarity and consistency in Article IX of the NCWM Bylaws.

33 **Item Under Consideration:**

34 Amend NCWM Bylaws as follows:

35 **Article III - Committees**

36 ...

37 **Section 5 - Duties and Fields of Operation of Board of Directors and Committees**

38 ...

1 **H. NTEP Committee**

2 The NTEP Committee annually reports on its activities and makes recommendations to the Board of
3 Directors. Its scope embraces all matters dealing with:

- 4 1. NTEP process (application, evaluation, certification, maintenance of certificate)
- 5 2. Participating Laboratories and Evaluators
- 6 3. NTEP sectors/workgroups
- 7 4. VCAP
- 8 5. International recognition (OIML, Measurement Canada)

10 **Previous Action:**
11 (e.g.) N/A

12 **Original Justification:**

13 This proposal is to make consistent the formatting and reporting requirements in Article IX.

14 Article IX, Sections 1 – 4 includes all committees [standing (L&R, S&T, PDC), nominating, finance, credentials,
15 AMC, and NTEP]. In Section 5, all committees have reporting requirements except the NTEP Committee.

16 The submitter requested that this item be given Voting status in 2021.

17 **Arguments in Favor:**

18 **Regulatory:**
19 •

20 **Industry:**
21 •

22 **Advisory:**
23 •

24 **Arguments Against:**

25 **Regulatory:**
26 •

27 **Industry:**
28 •

29 **Advisory:**
30 •

31 **Item Development:**

1 **SPB-21.3 Bylaws, Article X – Voting System**

2 **Source:**

3 California Division of Measurement Standards

4 **Purpose:**

5 Clarity of terminology in NCWM Bylaws.

6 **Item Under Consideration:**

7 Amend NCWM Bylaws as follows:

8 **Article IV - Voting System**

9 ...

10 **Section 9A – Voting – Technical Issues**

11 Only members of the House of Delegates and the House of State Representatives will vote on the technical
12 issues ~~questions~~ before the Corporation. **Technical issues include, but are not limited to, those relating to**
13 **agenda items and reports of the standing and NTEP committees, ad hoc committees, subcommittees,**
14 **task forces, and study groups.** At the conclusion of debate (if authorized) on a motion, there shall be a call
15 for the vote by voice vote, a show of hands, standing, or electronic count. The requirements for minimum
16 votes in a house are found in Article X, Section 4.

17 ...

18 **Section 9B – Voting – Business Issues**

19 All members of the Corporation, including Associate Members, will vote on all business issues before the
20 Corporation. **Business issues include, but are not limited to, the administrative functions of the**
21 **Corporation such as those relating to the nominations, finance, and credentials committees, and on**
22 **proposed operational alterations such as shifts of corporate aims and goals or fundamental structural**
23 **changes.** At the conclusion of debate (if authorized) on a motion, there shall be a call for the vote by voice
24 vote. In the event that a voice vote is too close to be determined in the opinion of the Chairman, there shall
25 be a show of hands, standing vote, or machine (electronic) vote count. There is no minimum voting
26 requirement for any house for business issues.

27 **Previous Action:**

28 (e.g.) N/A

29 **Original Justification:**

30 In Article X – Voting System, a distinction is made between business issues and technical issues. The second
31 paragraph of Article X, states, “**The NCWM Board of Directors shall determine whether an issue is technical or**
32 **business in accordance with the policies and procedures of the Corporation.**” There does not appear to be an
33 NCWM policy as described in Article X that plainly states which issues are technical or business, or the process used
34 by the Board of Directors its determination.

35 If implemented, the sweeping changes proposed in the 2019 NCWM Strategic Plan would financially impact all
36 categories of NCWM members. In the July 11, 2019 NCWM letter to Dr. Douglas Olson, NIST OWM, Item #6 would
37 force numerous state weights and measures jurisdictions to undertake lengthy and expensive changes to laws,
38 regulations, policies, administrative manuals, and public-facing materials, e.g., web content, applications, FAQs, etc.
39 During this time there could also be an interruption of regulatory oversight which would lead to increased consumer
40 fraud, an uneven playing field for businesses, and spike in unfair business practices. NCWM members entrust their

1 Board of Directors to make the right decisions, but there need to be checks and balances to ensure the Board of
2 Directors does not govern as an oligarchy.

3 If the NCWM Board of Directors does not want to define the terms business issue and technical issue in its bylaws, a
4 new policy should be created and placed in either Section 1. Administration or Section 2. Meetings. This new policy
5 should state how the NCWM Board of Directors determines whether an issue is business or technical in nature,
6 including a complex issue that may have components of both.

7 The submitter requested that this item be given Voting status in 2021.

8 **Arguments in Favor:**

9 **Regulatory:**

- 10 •

11 **Industry:**

- 12 •

13 **Advisory:**

- 14 •

15 **Arguments Against:**

16 **Regulatory:**

- 17 •

18 **Industry:**

- 19 •

20 **Advisory:**

- 21 •

22 **Item Development:**

23 **SPB-21.4 Article II - Mission, Article VI - Directors and Appointive Officers, Article VII –**
24 **Duties of Director and Appointive Officials, Article X – Voting System**

25 **Source:**

26 Bylaw Review Task Group

27 **Purpose:**

28 Purpose: The Board of Directors may declare an emergency prior to an interim or annual meeting allowing all the
29 meeting to be held electronically or for some to attend in-person and some to attend electronically. The rules below
30 are established to ensure smooth operation of the meeting while allowing all participants an opportunity to fully
31 participate in the presentations, discussions, and decisions as allowed at the normal in-person meeting.

32 **Item Under Consideration:**

33 **Article II - Mission**

34 **Section 1 - Mission**

1 ~~The mission of the National Conference on Weights and Measures, Inc. is to advance a healthy business~~
2 ~~and consumer climate through the development and implementation of uniform and equitable weights and~~
3 ~~measures standards using a consensus building process.~~

4 The mission of the National Conference on Weights and Measures, Inc. is to ensure equity through uniform
5 standards in a changing marketplace. NCWM develops ensure equity through uniform standards in a
6 changing marketplace. NCWM develops uniform and equitable weights and measures standards to:

- 7 • Promote commerce and fair competition by leveling the playing field,
- 8 • Ensure consumers “get what they pay for”, and
- 9 • Foster confidence in marketplace transactions.

10 Article VI - Directors and Appointive Officials

11 .
12 .
13 .

14 **Section 2 - Directors Eligibility**

15 ~~A.~~ Any active member in good standing shall be eligible to hold the office of Chairman, Chairman-Elect, Past
16 Chairman, Treasurer, and Active Director, provided that the individual meets the other requirements set forth
17 in the Bylaws. Further, any Associate member is eligible to hold office as the Associate Director and any
18 Active, Advisory, or Associate member is eligible to hold office as an at-large Director.

19 ~~B. The Chairman-Elect will be elected at the Annual Meeting one year prior to the term of service as~~
20 ~~Corporation Chairman. After serving one year as Chairman-Elect, the incumbent will succeed to the~~
21 ~~office of Corporation Chairman.~~

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25 **Section 3 - Nominations and Elections**

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29 **D. Terms of Office**

- 30 1. The Chairman, Chairman-Elect and Past Chairman shall serve for a term of 1 year ~~or until their successors~~
31 ~~are respectively elected or appointed and qualified.~~ The Chairman-Elect will be elected at the Annual
32 Meeting one year prior to the term of service as Corporation Chairman. After serving one year as
33 Chairman-Elect, the incumbent will succeed to the office of Corporation Chairman. The consecutive
34 reelection of a Chairman and Chairman-Elect is prohibited; however, the eight other directors may be re-
35 elected. The eight other directors shall serve for 5-year terms; except for the Associate Director and Treasurer
36 who shall serve a 3-year term. Elections shall take place at such intervals as are necessary to retain an 11-
37 member Board at all times, except that vacancies shall be filled under Section 3, paragraph E, below.
- 38 2. All Directors shall take office immediately following the close of the Annual Meeting at which they were
39 elected.
- 40 3. Should the Chairman-Elect for any reason be unable or unwilling to be installed as Chairman, his/her
41 successor shall be elected by the Board of Directors. In this event, the newly elected Chairman-Elect shall be
42 installed as Chairman.

1 E. Filling Vacancies

2 A vacancy is created if an individual is unable or unwilling to complete their term, is removed for
3 cause, or if timely elections cannot be held for any reason. In case of a vacancy in any of the elective
4 offices, the Chairman (or, if the vacancy is for the Chairman’s position, the immediate Past-Chairman) shall
5 nominate a replacement, and that person shall be appointed to fill the office if a majority of the members of
6 the Board approve the nomination. The new appointee shall take office immediately following the vote of
7 the board and serve the remainder of the term to which they were appointed.

8 **Article VII - Duties of the Directors and Appointive Officials**

9 **Section 1 - Board of Directors**

10 The Board of Directors is the governing body of the Corporation and is authorized to make all decisions relating
11 thereto, including but not limited to the following:

- 12 1. conducts the business of the National Conference on Weights and Measures, Inc., as a Corporation,
13 which at a minimum includes (a) overseeing the preparation and filing of the biennial report and fee with
14 the Nebraska Secretary of State in compliance with Neb. Rev. Stat. Section 21-301.
- 15 2. reviews and approves the budget;
- 16 3. selects the place and dates for each meeting of the Corporation;
- 17 4. fixes all fees including but not limited to meeting registrations, fees associated with NTEP
18 administration, publications, and the annual membership fee;
- 19 5. advises the responsible individual or organization, as designated by the Chairman, with respect to the
20 programs for the meetings of the Corporation and its committees, and makes recommendations to the
21 Corporation, the Corporation officers, and the committee chairmen;
- 22 6. reviews an annual audit report prepared by an external auditor whose services are retained by the
23 corporation to assess the accuracy of the financial statements, the accounting principles used, and
24 evaluate overall financial statement presentation; and
- 25 7. establishes and periodically reviews the policies and procedures for the corporation.

26 The Board of Directors, in the interval between meetings of the Corporation:

- 27 1. authorizes meetings of Corporation committees in accordance with the provisions of Article VIII,
28 Section 3,
- 29 2. authorizes expenditures that are not in the budget, and
- 30 3. acts for the Corporation in all routine or emergency situations that may arise.

31 ~~Special meetings of the Board may be held at the discretion of the Chairman, and may take place in any~~
32 ~~manner technologically possible, including, but not limited to, telephone conference calls and electronic~~
33 ~~mail. A quorum shall consist of 7 members of the Board. Voting may be cast in any manner prescribed by~~
34 ~~the Chairman. All questions before the Board of Directors will be decided whenever practical, by voice~~
35 ~~vote or by ballot, and will be decided on the basis of the majority of votes cast.~~

36 The Board serves as a policy and coordinating body in matters of national and international significance which
37 may include such areas as metrication; the interaction with organizations such as the International Organization
38 of Legal Metrology (OIML), American National Standards Institute (ANSI), International Organization for
39 Standardization (ISO), ASTM International, ~~National Conference of Standards Laboratories~~
40 ~~(NCSL International)~~, and such internal matters as may be required

1 **Section 2 - Chairman**

2 The Corporation Chairman has broad authority including, but not limited to, the authority to make policy decisions
3 on behalf of the Corporation and take such actions as are necessary to put these decisions into effect. The
4 Chairman is the principal presiding officer at the meetings of the Corporation and of the Board of Directors,
5 makes appointments to the several standing and special purpose committees, and appoints other Corporation
6 officials to serve during his or her term of office. All appointments are made from among the NCWM
7 Membership. The Chairman, on behalf of the Board, annually presents a report on Corporation activities.

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11 **Section 3 - Parliamentarian**

12 The Parliamentarian shall assist in assuring meetings of the Corporation are conducted in a proper manner. ~~The~~
13 ~~rules contained in Robert's Rules of Order shall govern the Corporation in all cases to which they are~~
14 ~~applicable, and in which they are not inconsistent with these Bylaws.~~

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18 **Article VIII - Meetings of the Corporation**

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22 **Section 3 - Type of meetings**

23 **The annual and interim meetings shall be in-person meetings except when an emergency is declared by the**
24 **board of directors allowing either meeting to be held entirely or in-part by internet meeting services. The**
25 **reason for the emergency is at the discretion of the board and may include, but are not limited to: a**
26 **pandemic that prevents a significant number of members from participating in an in-person meeting. The**
27 **Board of Directors shall maintain policies for conducting these meetings following the principles of the in-**
28 **person meetings as closely as possible.**

29 **Section 34 – Special–Other Meetings of the Board of Directors, Committees and**
30 **Subgroups within the Corporation**

- 31 A. The Corporation Chairman is authorized to order a meeting of the Board of Directors at any time such a session
32 is deemed by the Chairman to be in the best interests of the Corporation. Such meeting may, at the discretion
33 of the Chairman, take place in any manner technologically possible, including, but not limited to, telephone
34 conference call, web meeting and ~~electronic~~ email. A quorum shall consist of 7 members of the Board. Voting
35 may be cast in any manner prescribed by the Chairman. All questions before the Board of Directors will
36 be decided whenever practical, by voice vote or by ballot, and will be decided on the basis of the majority
37 of votes cast.
- 38 B. Other Committees and subgroups of the Corporation are authorized to hold meetings at times other than the
39 Annual Meeting or Interim Meeting by any manner technologically possible, including, but not limited to
40 telephone conference call, web meeting and email. If a committee or subgroup desires to conduct a
41 meeting requiring travel and facilities at the expense of the corporation, such meeting will be subject to
42 approval in advance by the Board of Directors. ~~provided that:~~
- 43 ~~1. such meeting or meetings have been provided for in the Corporation budget approved by the~~
44 ~~Board of Directors, or~~

1 2. ~~such meeting or meetings are approved by the Board of Directors in cases where funding is~~
2 ~~required.~~

3 **Section 45 - Rules of Order**

4 The rules contained **in the latest edition of** Robert's Rules of Order **Newly Revised** shall govern the Corporation
5 in all cases to which they are applicable, and in which they are not inconsistent with these Bylaws

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9 **Article X - Voting System**

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13 **Section 5 - Voting Rules**

14 **A. Quorum**

15 A quorum shall consist of 27 eligible voting members in the House of State Representatives.

16 **B. Proxy Votes**

17 Proxy votes are not permitted. Since issues and recommendations in the committees' interim reports are often
18 modified and amended at the NCWM Annual Meeting, the attendance of officials at the Annual Meeting and
19 voting sessions is vital.

20 **C. Method**

21 For voting on business issues relating to NCWM, Inc., as a Corporation, all voting is by a voice vote of the
22 members eligible to vote. **Eligible members may vote virtually if the meeting is held entirely, or in part,**
23 **electronically in accordance with Section 3.** For voting on the adoption of final reports of committees on
24 technical issues, as well as for voting on all other issues, ~~and in the event that the voice vote is too close to be~~
25 ~~determined in the opinion of the Chairman,~~ there shall be **a voice vote** a show of hands, standing vote, or
26 machine (electronic) vote count. No abstentions are recorded.

27 **D. Timing**

28 Voting by all eligible Houses is simultaneous.

29 **E. Recording**

30 The voting ~~system~~**procedures** which shall be used, except in the case of a voice vote, is designed to record the
31 vote count of each house, whether ~~an~~**by** electronic ~~system~~**vote**, show of hands, or standing vote is used.

32 **F. Applicability**

33 These procedures (rules) apply only to the plenary (general) sessions of the NCWM.

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36 .

1 **Section 8 - Seating Arrangement**

2 The seating arrangement for voting sessions at in-person meetings is as shown in the diagram.

3 **Previous Action:**
4 (e.g.) N/A

5 **Original Justification:**
6 Background: The 2020 global pandemic brought attention to NCWM’s need for provisions to conduct business
7 when the Board of Directors deems a significant number of members may not be able to participate at an in-person
8 meeting. The NCWM Chair formed a task group to review bylaws and policies to address the needs of the
9 association in such circumstances. This policy is a product of that effort. It also reflects additional changes
10 identified by the task group as appropriate.

11 **Arguments in Favor:**

12 **Regulatory:**
13 •

14 **Industry:**
15 •

16 **Advisory:**
17 •

18 **Arguments Against:**

19 **Regulatory:**
20 •

21 **Industry:**
22 •

23 **Advisory:**
24 •

25 **Item Development:**

26 **FIN – FINANCIAL**

27 **FIN-1 I Treasurer’s Report**

28 NCWM operates on a fiscal year October 1st through September 30th. Budgets are set to be conservative on projected
29 revenues and realistic on anticipated expenses. The Board of Directors continues to monitor its ability to fully
30 implement contingency plans based on potential costs compared to reserve funds.

31 The September 30, 2020 balance sheet below provides a comparison with the same time the previous year. Assets are
32 inflated by the Associate Membership Fund. These funds are accumulated through the additional \$15 dues paid by
33 associated members and are spent at the discretion of the Associate Membership Committee in accordance with
34 Committee By-Laws.

35 Also, the annual audit was conducted by Dana F. Cole & Company as an outside entity, and this provides another
36 layer of accountability. No concerns arose from this annual audit.

- 1 Overall, the NCWM's finances are in good order. This concludes the financial report.

ASSETS	<u>September 30, 2020</u>	<u>September 30, 2019</u>
Current Assets	\$	\$
Checking/Savings		
Associate Member Fund	38,478.85	26,745.67
Certificates of Deposit	1,235,022.32	1,226,591.66
Money Market Fund	130,098.77	1,839.56
Checking	26,889.47	26,459.41
Savings	124,904.38	206,907.06
Total Checking/Savings	<u>1,555,393.79</u>	<u>1,488,543.36</u>
Accounts Receivable	3,567.83	6,389.19
Other Current Assets	341,378.39	313,545.38
Other Assets	19,762.66	18,447.47
TOTAL ASSETS	<u>1,920,102.67</u>	<u>1,826,925.40</u>
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities	<u>172,555.54</u>	<u>188,219.82</u>
Total Liabilities	172,555.54	188,219.82
Equity		
Designated - Associate Membership	38,469.15	26,745.34
Unrestricted Net Assets	1,598,931.15	1,512,586.35
Net Income	<u>110,146.83</u>	<u>99,373.89</u>
Total Equity	<u>1,747,547.13</u>	<u>1,638,705.58</u>
TOTAL LIABILITIES & EQUITY	<u>1,920,102.67</u>	<u>1,826,925.40</u>

Mr. Hal Prince, Florida | NCWM Chairman
 Mr. Ivan Hankins, Iowa | NCWM Chairman-Elect
 Mr. Craig VanBuren, Michigan | NTEP Committee Chair
 Mr. Ray Johnson, New Mexico | Treasurer
 Mr. Loren Minnich, Kansas | Active Membership - Central
 Mr. Jack Walsh, Town of Wellesley, Massachusetts | Active Membership - Northeastern
 Mr. Mahesh Albuquerque, Colorado | Active Membership - Western
 Mr. Gene Robertson, Mississippi | Active Membership - Southern
 Ms. Rebecca Richardson, MARC-IV Consulting | At-Large
 Ms. Rachelle Miller, Wisconsin | At-Large
 Mr. Christopher Guay, Procter and Gamble | AMC Representative

Mr. Don Onwiler, NCWM | Executive Director
 Dr. Douglas Olson, NIST, OWM | Executive Secretary
 Mr. Darrell Flocken, NCWM | NTEP Administrator
 Mr. Carl Cotton, Measurement Canada | Board of Directors Advisor

Board of Directors

Appendix A

Report on the Activities of OIML and Regional Legal Metrology Organizations

INTRODUCTION

The OWM at NIST is responsible for coordinating United States participation in OIML and other international legal metrology organizations. Learn more about OIML at www.oiml.org and about NIST, OWM at www.nist.gov/owm. Dr. Charles Ehrlich, Program Leader of the International Legal Metrology Program, can be contacted at (301) 975-4834 or charles.ehrlich@nist.gov.

Note: OIML publications are available electronically without cost at www.oiml.org.

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Table B
Glossary of Acronyms and Terms

Acronym	Term	Acronym	Term
ANSI	American National Standards Institute	ISO	International Standardization Organization
APEC	Asia-Pacific Economic Cooperation	IWG	International Work Group
APLMF	Asia-Pacific Legal Metrology Forum	LMWG	Legal Metrology Work Group
APMP	Asia-Pacific Metrology Program	MAA	Mutual Acceptance Agreement
B	Basic Publication	MTL	Manufacturers' Testing Laboratory
BIML	International Bureau of Legal Metrology	NIST	National Institute of Standards and Technology
BIPM	International Bureau of Weights and Measures	NTEP	National Type Evaluation Program
CD	Committee Draft ¹	OIML	International Organization of Legal Metrology
CIML	International Committee of Legal Metrology	OWM	Office of Weights and Measures
CTT	Conformity to Type	PG	Project Group
D	Document	R	Recommendation
DD	Draft Document ²	SC	Technical Subcommittee
DoMC	Declaration of Mutual Confidence	SIM	Inter-American Metrology System
DR	Draft Recommendation ²	TC	Technical Committee
DV	Draft Vocabulary ²	USNWG	U.S. National Work Group
GA	General Assembly	VIM	International Vocabulary of Metrology
IEC	International Electrotechnical Commission	VIML	International Vocabulary of Legal Metrology
IQ Mark	International Quantity Mark	WD	Working Draft ³

¹ CD: a committee draft at the stage of development within a technical committee, subcommittee or project group; in this document, successive drafts are numbered 1 CD, 2 CD, etc.

² DD, DR, and DV: a draft document approved at the level of the technical committee, subcommittee or project group concerned and sent to BIML for approval by CIML.

³WD: working draft that precedes the development of a CD; in this document, successive drafts are number 1 WD, 2 WD, etc.

Details of All Items
(In order by Reference Key)

I. REPORT ON THE ACTIVITIES OF THE OIML TECHNICAL COMMITTEES

This section reports on recent activities and the status of work in the OIML Technical Committees (TCs), Technical Subcommittees (SCs), and Project Groups (PGs) of specific interest to members of the National Conference on Weights and Measures (NCWM). Schedules of future activities of the TC/SC Secretariats, PG Conveners, the U.S. National Work Groups (USNWGs), and the International Work Groups (IWGs) and Project Groups of the TCs and SCs are also included.

TC 3/SC 5 Conformity Assessment (United States)

Please see the section on the OIML Certification System (OIML-CS), found at the end of this Section of Appendix A.

TC 5/SC 1 Environmental Conditions (Netherlands)

OIML D 11 *General requirements for measuring instruments - Environmental conditions* is a very important document in the OIML system and is used by all the OIML TCs as a general reference for technical and testing requirements on all measuring instruments. Highlights of the most recent revision cycle include expanding the terminology section, updating several testing sections to reflect the latest International Electrotechnical Commission (IEC) reference standards, and including a new environmental class (“E3”) for a non-mains local source of electrical power supply. Please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov, if you would like additional information on TC5/SC1 or OIML D 11.

TC 5/SC 2 Software (Germany and BIML)

OIML D 31 *General Requirements for Software-controlled Measuring Instruments* serves as guidance for the software requirements in all the OIML International Recommendations.

The recently revised D31 was published on the OIML website in December 2019. The document now includes methods/means of software verification and improved harmonization of terminology. This includes a subset of terms for “Measurement Result Relevant Information” and “Measurement (Process) Information”; this will distinguish data necessary for legal metrology purposes from data that is necessary for instrument operation but otherwise not legally necessary.

Because some issues in the last revision cycle in OIML D31 were not fully resolved, a new project has been started to “immediately revise” the document. This project is now ongoing, and parties interested in these OIML software efforts should contact Dr. Katya Delak at (301) 975-2520 or katya.delak@nist.gov if they have questions or would like to participate.

TC 6 Prepackaged Products (South Africa)

A new Guide, OIML G 21, entitled “*Guidance for Defining the Requirements for a Certification System for Prepackages*” has been published. This guideline was developed to assist countries in establishing reciprocal agreements to accept the test results on prepackaged goods.

The latest edition of OIML Recommendation R 87 “*Quantity of Product in Prepackages*” (equivalent to NIST Handbook 133 “Checking the Net Contents of Packaged Goods”) was published in 2016. This edition includes a comprehensive overhaul of the statistical requirements and sampling plans. The U.S. and several other countries were successful in opposing efforts by several European Union countries to add drained weight test procedures and packaging requirements utilized in that region to the new edition of R87. Those procedures were rejected primarily because they failed to recognize drained weight test methods that have been in use around the world for decades and

which have been adopted by Codex Alimentarius. A new Project was approved at the CIML meeting in 2019 to create a “R87 Prepackage Template”.

The latest edition of OIML R 79 *Labeling Requirements for Prepackaged Products* was published in 2015. For more information or to participate in the activities of this committee, please contact Mr. Ken Butcher at (301) 975-4859 or kbutcher@nist.gov.

TC 7/SC 5 Multi-dimensional Measuring Instruments (Australia and Canada)

There is significant interest in maximizing harmonization between OIML R129 “Multi-dimensional Measuring Instruments” and the US requirements for these instruments. Canada became the Co-Convener with Australia on this project and hosted the Project Group’s first meeting in Ottawa in May 2019. The comment period on the 4CD revision of OIML R129 closed in March 2020. The Project Group resolved all the international comments received on the 4CD using a “minor change procedure” in April 2020 and distributed the R129 Preliminary Online Ballot in May 2020. It is expected that OIML R129 will receive final CIML approval in November 2020. Please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov, if you would like copies of this document.

TC 8 Measurement of Quantities of Fluids (Japan)

In June 2019, Japan distributed the First Committee Draft (1CD) of a revision of R 63 *Petroleum Measurement Tables* (1994) now that the corresponding ISO standard has been recently revised. The Secretariat also distributed the 1CD of a revision of R 119 *Pipe Provers for Testing of Measuring Systems for Liquids* in June 2019 -- this document is important for other OIML Recommendations involving liquid measurement. The comments received on the 1CDs were resolved, and the 2CD packages of both documents were distributed in December 2019. Both documents passed their Preliminary Online Ballot in July 2020, and it is expected that both documents will receive final CIML approval in November 2020. Please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov, if you would like copies of any of these documents.

TC 8/SC 1 Static Volume and Mass Measurement (United States)

The United States chairs the Project Groups that are revising OIML R 71 *Fixed Storage Tanks* and R 85 *Automatic Level Gages for Measuring the Level of Liquid in Fixed Storage Tanks* to add specific requirements for specialized tanks. The 2CDs of R 71 and R 85 are planned to be distributed for project group vote and comment in early 2021. The Subcommittee has discussed the importance of revising OIML R 125 *Measuring Systems for the Mass of Liquids in Tanks*, and a new project to revise R 125 has been approved by the CIML. Please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov, if you would like copies of the documents or to participate in any of these projects.

TC 8/SC 3 Dynamic Volume and Mass Measurement for Liquids Other Than Water (United States and Germany)

OIML R 117 *Dynamic Measuring Systems for Liquids Other Than Water* received final CIML approval in October 2019 and was published in April 2020. This recent project to revise R117 fully harmonized all three parts of the Recommendation and added new annexes for several complete measuring systems, including: (a) measuring systems for the unloading of ships' tanks and for rail and road tankers using an intermediate tank, (b) measuring systems for liquefied gases under pressure (other than LPG dispensers), (c) measuring systems for bunker fuel, and (d) measuring systems for liquefied natural gas (LNG). The 2CD of R117 was distributed in December 2018 and achieved 100% “yes” votes by the project group. At a March 2019 meeting in Cape Town, South Africa, the project group resolved all 70 pages of international comments received on the 2CD. The PG also developed and approved a 3CD at the meeting, incorporating all the comment resolutions. The Recommendation passed the CIML Preliminary Ballot in September 2019. If you have any questions about R117 or the systems that it covers, please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov.

TC 8/SC 6 Measurement of Cryogenic Liquids (United States)

The Secretariat for OIML R 81, *Dynamic Measuring Devices and Systems for Cryogenic Liquids* has distributed a first committee draft (1CD) of R 81 to Project Group members and the USNWG for their review and comment. These comments have now been resolved, and a 2CD is anticipated to be distributed in early 2021. To obtain more information or to participate in this project, please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov.

TC 8/SC 7 Gas Metering (Netherlands)

All three parts of OIML R 137 *Gas Meters* have been published. Extensive United States comments on the 1 CD, the 2 CD, and the DR were developed in cooperation with the measurement committees of the American Gas Association. The OIML R 137 document is especially important to the U. S. interests because the American National Standards Institute (ANSI) B 109 committee on gas measurement is using the published R 137 to create a new performance-based standard for gas meters in the United States. Please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov, if you would like to participate in these efforts or if you would like to obtain a copy of any of these gas measurement documents.

The Netherlands and Japan served as Co-Conveners on a project to revise OIML R 139, *Compressed gaseous fuel measuring systems for vehicles* that mostly focused on ensuring that the Recommendation fully and accurately includes proper requirements and test procedures for hydrogen fuel dispensers. This standard is important to US stakeholders, especially in the effort to maximize harmonization between domestic and international legal metrology requirements used for the delivery of alternative fuels. The revised Recommendation has been published on the OIML website. To obtain more information on this effort, please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov.

TC 9 Instruments for Measuring Mass (United States)

OIML R 60 *Metrological Regulation for Load Cells* (Metrological and technical requirements and Metrological controls and performance tests) was published in 2018. It is expected that the CIML will approve a project to do a minor revision (called an “update”) on R60. This update is expected to be started and completed in 2021. For more information on TC 9 activities, please contact Mr. John Barton at (301) 975-4002 or john.barton@nist.gov.

TC 9/SC 1 Non-Automatic Weighing Instruments (Germany and France)

A project to revise OIML R 76:2006 *Non-automatic weighing instruments* is in progress. In addition to revising the R 76 Recommendation, the project group has been requested to provide suggestions on how to best approach the verification and inspection of measuring instruments in this category. Several Project Sub-Groups have been tasked with reformatting and updating the Recommendation and with developing field verification and inspection procedures for these measuring instruments. Other Sub-Groups will develop proposals for adding up-to-date software requirements and for considering the inclusion of new test procedures for modules. A first Committee Draft (1CD) of the R 76 revision may be available in early 2021. Please contact Mr. Ken Butcher at (301) 975-4859 or kbutcher@nist.gov if you are interested in the effort to revise this document.

TC 9/SC 2 Automatic Weighing Instruments (United Kingdom)

The effort to develop a new OIML Recommendation on *Continuous totalizing automatic weighing instruments of the arched chute type* is almost complete. This type of measuring instrument measures centripetal force on an arched chute. The third committee draft (3CD) of this new document passed the PG vote in November 2019, with a significant number of international comments. A 4CD passed the PG vote in March 2020. It is expected that this new Recommendation will receive final CIML approval in November 2020. To receive copies of the documents

concerning this project or to obtain more information on the work of this subcommittee, please contact Mr. Ken Butcher at (301) 975-4859 or kbutcher@nist.gov.

The Preliminary Ballot of OIML R 61 *Automatic gravimetric filling instruments* received final CIML approval and has been published.

The CIML has approved new projects to revise OIML R 51 *Automatic catch-weighing instruments* and R134 *Automatic instruments for weighing road vehicles in motion and measuring axle loads*. Both Recommendations were last approved/published in 2006 and both revision projects are currently in the Working Draft stage. A subcommittee meeting to discuss both projects had been scheduled for 2020, but this meeting has been postponed. Please contact Mr. Ken Butcher (301) 975-4859 or kbutcher@nist.gov if you are interested in the projects to revise these recommendations.

TC 12 Instruments for measuring electrical quantities (Australia)

OIML R 46 *Active Electrical Energy Meters* is undergoing revision. The United States participated in the Project Group meeting that was held in May 2019 in Helsinki, Finland, and provided comments on the third working draft (3WD) of R46 that was distributed in January 2020. The Project Group has established four Subgroups to work on specific issues related to the revision and continuing development of R 46: (1) Electric Vehicle (EV) Charging Stations; (2) Fundamental vs. Harmonic power and Reactive Energy; (3) Smart Street Lighting; and (4) Remote Displays and Meters with Modular Components. The R 46 Project Group postponed a meeting that had been scheduled for May 2020 in The Netherlands. Please contact Dr. Katya Delak at (301) 975-2520 or katya.delak@nist.gov if you have questions about this project or would like to participate.

OIML Certification System (OIML-CS)

OIML has operated a Certificate System for OIML Type Evaluation of Measuring Instruments since 1991. Because of difficulties encountered by the International Bureau of Legal Metrology (BIML) in adequately obtaining and summarizing peer review and/or accreditation data from test laboratories, and also to promote better awareness of the certificate system, an effort to develop a significantly improved and more robust OIML Certification System (OIML-CS) was started in 2015.

After three years of development, implementation of the new OIML-CS began in January 2018. Load cells (R 60) and non-automatic weighing instruments (R 76) entered under what is called Scheme A (an advanced level of the OIML-CS where accreditation or peer review is used as the basis for demonstrating compliance with the requirements of the OIML-CS for both OIML Issuing Authorities and Test Laboratories). Several other instrument categories (see the OIML web site, www.oiml.org, for a complete list) entered under Scheme B (an introductory level of the OIML-CS where “self-declaration” is used as the basis for demonstrating compliance with the requirements of the OIML-CS). All thirty-seven (37) instrument categories are scheduled to be completely transitioned to Scheme A starting in January 2021.

In 2020, Mr. Bill Loizides (the CIML Member from Australia), who had been serving as the Deputy Chairperson of the OIML-CS Management Committee, has temporarily served as the Chair. Dr. Charles Ehrlich of NIST (the U.S. CIML Member), serves on the Management Committee of the OIML-CS. Mr. Darrell Flocken of NCWM/NTEP serves on the Review Committee, which is now part of the Management Committee. Dr. Ehrlich and Mr. Flocken had planned to attend the 3rd Annual Meeting of the OIML-CS in New Delhi, India, in March 2020, but the meeting was cancelled due to the coronavirus pandemic. Online videoconference meetings of the Management Committee were instead held in May, June, and July 2020. The CIML plans to appoint Mr. Mannie Panesar (UK) as the new OIML-CS MC Chairperson for a term of three years starting in January 2021.

Details and specifics about the OIML Certificate System are available on the OIML website. If there are any questions about the OIML-CS, or for more information, please contact Dr. Ehrlich at (301) 975-4834 or charles.ehrlich@nist.gov.

II. REPORT ON THE 55TH CIML MEETING IN OCTOBER 2020 (held online)

The 16th OIML International Conference and the 55th CIML Meeting were both scheduled to be held in Suzhou (near Shanghai), P.R. China, in October 2020. However, because of the pandemic, it was decided to postpone the Conference until October 2021 and to hold the 55th CIML Meeting as 3-day online meeting (20-22 Oct 2020).

The Committee decided to utilize the voting rules that apply during “in-meeting” conditions for all decisions that would be made by the Committee during the online CIML meeting. The Committee also approved the use of the secure voting tools on the OIML website for CIML draft resolutions and for secret ballots on appointments.

The OIML currently has 61 Member States and 63 Corresponding Members, and efforts are ongoing to encourage new economies to join the Organization.

The CIML President, Dr. Roman Schwartz (Germany), reported on OIML activities during the previous year and discussed the challenges caused by the pandemic to international legal metrology efforts.

The BIML Director, Mr. Anthony Donnellan, reported on the activities and achievements of the Bureau and its staff, including: efforts to improve the effectiveness of OIML technical work and activities, efforts related to Countries and Economies with Emerging Metrology Systems (CEEMS), the OIML Certification System (OIML-CS), World Metrology Day, and work with liaison organizations.

Dr. Schwartz provided a report that supports stronger cooperation between the OIML and the BIPM. The Committee approved the Terms of Reference of a new OIML/BIPM Joint Task Group (JTG) and appointed Dr Roman Schwartz, Dr Charles Ehrlich, and Mr. Anthony Donnellan to serve as the OIML representatives on that JTG.

The CIML held discussions on the following Recommendations during the online meeting; it is expected that all these Recommendations will receive final CIML approval through secure online voting in November 2020.

- New Recommendation *Non-invasive non-automated sphygmomanometers* (Revision of R 16-1);
- New Recommendation *Non-invasive automated sphygmomanometers* (Revision of R 16-2);
- New Recommendation *Continuous totalizing automatic weighing instruments of the arched chute type*;
- Revision of R 129 *Multi-dimensional measuring instruments*;
- Revision of D 1 *National metrology systems – Developing the institutional and legislative framework*;
- New Document *Petroleum measurement tables* (Revision of R 63); and
- New Document *Pipe provers for testing measuring systems for liquids* (Revision of R 119).

The Committee approved a new project to update OIML R 60:2017 *Metrological regulation for load cells* under the responsibility of the OIML-CS Management Committee and the BIML.

The BIML gave a report on the technical work of the OIML, with an emphasis on high-priority projects and high-priority documents. A discussion took place on the OIML Bulletin and the plan that has been initiated to promote/improve contributions from the Membership in the form of articles for future Bulletins.

A report and update on the OIML Certification System (OIML-CS) was provided by Mr. Bill Loizides (Australia) who has served as Management Committee (MC) Acting Chairperson for the past several months. The report

highlighted the increased participation in the OIML-CS, promotion and awareness-raising activities, and the key issues that the MC will be addressing in the future. The CIML plans to appoint Mr. Mannie Panesar (UK) as the new OIML-CS MC Chairperson for a term of three years starting in January 2021. The CIML also plans to re-appoint Mr. Bill Loizides as OIML-CS MC Deputy Chairperson for another three-year term.

Based on a strong effort by the US and following the recommendation of the OIML Certification System Management Committee, the CIML decided that all references to the marking (especially restrictions on marking) of the OIML certificate number on measuring instruments should be removed from all OIML publications. The Committee requested that the OIML-CS MC revise the relevant OIML-CS publications and develop a Guidance Note regarding the meaning of the OIML certificate number when it is marked on a measuring instrument. The BIML was instructed to review all OIML publications to identify those that include a reference to the marking of the OIML certificate number on measuring instruments and select the most appropriate method to amend/revise the relevant publications.

The Advisory Group on matters concerning Countries and Economies with Emerging Metrology Systems (CEEMS AG) was created by the CIML to provide advice to the OIML on any matter relating to CEEMS. Mr. Peter Mason, Chair of the CEEMS AG, delivered a report on the activities of this AG, including an online meeting of the AG that was held on 06 Oct 2020. His report focused on progress related to the 2018 CIML resolution concerning CEEMS. The CIML expressed their appreciation for the progress made by the Advisory Group, especially the significant effort made by the AG to complete the revision of OIML International Document D 1. The CIML also endorsed a proposal for the Advisory Group to develop a strategy on the application of online technology for capacity building and other CEEMS activities.

The new Chairperson of the Regional Legal Metrology Organization Round Table, Dr. Charles Ehrlich (US) (who also serves as the CIML 1st VP), provided an update on the activities of the RLMO RT including an online meeting of the RLMO RT that was held on 08 Oct 2020. Significant progress has been made to improve the functioning and the effectiveness of the RLMO RT in 2020. Discussions were held concerning how both the RLMOs and their individual member countries were coping and operating during the coronavirus pandemic. Discussions were also held about further expanding the scope of the RLMO Round Table and improving the collaboration between the RLMOs – such as the sharing of training materials and e-learning modules.

The following is a list of the six RLMOs that actively participate in the Round Table:

- AFRIMETS (Intra-Africa Metrology System);
- APLMF (Asia-Pacific Legal Metrology Forum);
- COOMET (Euro-Asian Cooperation of National Metrological Institutions);
- GULFMET (Gulf Association for Metrology);
- SIM (The Inter-American Metrology System); and
- WELMEC (European Cooperation in Legal Metrology).

Other organizations in liaison (including the BIPM, CECIP, IAF, ILAC, OECD and UNIDO) submitted reports to the CIML meeting that are available on the OIML website.

An OIML Medal was awarded to Dr Tsuyoshi Matsumoto (Japan) in recognition of his outstanding contributions to OIML and international legal metrology. Letters of Appreciation were presented to Mr. Ralph Richter (US), Dr. Michael Rinker (Germany), and Dr. Peter Ulbig (Germany) for their contributions to the work of the OIML.

The 55th CIML Meeting Resolutions, documents and presentations can be found on the OIML website at: <http://online-55ciml.oiml.org/ciml.html>

III. FUTURE OIML MEETINGS

The People's Republic of China has confirmed its invitation to host the 56th CIML Meeting and the 16th International Conference in 2021.

IV. REGIONAL LEGAL METROLOGY ORGANIZATIONS

A meeting of the Inter-American Metrology System (SIM) General Assembly is organized annually and is the event where delegates from National Metrology Institutes of the Americas meet to discuss important issues. The two most recent in-person meetings of the SIM General Assembly were in Gaithersburg, Maryland (at NIST) and in Santa Cruz, Bolivia.

The SIM Legal Metrology Working Group (LMWG) held its most recent in-person meeting in Cartagena, Columbia. Several issues of importance to the SIM countries were discussed, including: recent weights and measures training that participants felt had been successful, how the new OIML-CS certification system would affect the weights and measures programs in each country, and the problems that many programs faced concerning adequate and stable access to resources. The meeting closed with a discussion on the future needs and expectations of each of their countries. Possible next steps and planning for future training and future LMWG communication and meetings were considered. The SIM LMWG elected a new chair in July 2020, Mr. Pedro Pérez Vargas of the Superintendencia de Industria y Comercio in Columbia. Please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov for more information on SIM and the activities of the SIM LMWG.

The 26th Meeting of the Asia-Pacific Legal Metrology Forum (APLMF) was hosted by Vietnam and was held in November 2019. New Zealand currently holds the APLMF Secretariat, and Mr. Stephen O'Brien of New Zealand's Ministry of Business, Innovation & Employment (MBIE) assumed the APLMF Presidency.

The main objectives of APLMF are to coordinate regional training courses in legal metrology and to provide a forum for exchange of information among legal metrology authorities. APLMF activities have been facilitated through its seven work groups. A meeting of the APLMF Working Groups (WGs) was held on the day prior to the APLMF meeting. The most active WG has been the Working Group on Training Coordination. Because of the importance of the training mission to APLMF, this WG has now become a permanent part of the APLMF Secretariat (instead of a separate WG). The results of a recent APLMF survey clearly indicated that the more than 20 courses conducted by APLMF in the last 10 years were highly valued by the member economies, promoted harmonization in the Asia-Pacific region, and frequently led to revised/improved legislation and regulations in the member economies.

A significant joint project entitled "Metrology Enabling Developing Economies in Asia" (MEDEA) has been conducted over the past several years by APLMF, the Asia Pacific Metrology Programme (APMP) and the Physikalisch-Technische Bundesanstalt (PTB). This project has been managed by PTB and is primarily funded by Germany. The project aims to foster and further develop the capabilities of the APLMF and the Asia-Pacific Metrology Program (APMP) to support developing economies in the Asia-Pacific region, to promote metrology systems within developing economies, and to strengthen the metrology systems/infrastructure within developing economies.

The 2020 APLMF Annual Meeting was scheduled to be hosted by the Republic of the Philippines, but this meeting will instead be held as an online meeting in Dec 2020. Please contact Mr. Ralph Richter at (301) 975-3997 or ralph.richter@nist.gov for more information on APLMF.

BOD 2021 Interim Meeting Agenda
Appendix A – Report on the Activities of OIML and Regional Legal Metrology Organizations

Appendix B

Associate Membership Committee (AMC) Agenda and Draft Meeting Minutes

January 28, 2020
Mr. Bob Weise, Committee Chair
NW Tank and Environmental Services, Inc.

Details of All Items *(In order by Reference Key)*

AGENDA

- I. Call to Order
- II. Approval of Meeting Minutes
- III. Financial Condition
- IV. NCWM Industry Representative Reports
 - a) Board of Directors
 - b) Professional Development Committee
 - c) Laws and Regulations Committee
- V. AMC Fund Disbursement Requests
- VI. Filling Vacant Positions
- VII. Old Business
- VIII. New Business
- IX. Adjournment

I. CALL TO ORDER

At 7:34 a.m.

II. MINUTES APPROVED FROM PREVIOUS MEETING

Approved at 7:37 a.m.

III. FINANCIAL CONDITION

AMC Account Balance

\$37,620.93

Pending Payments

Toolkit Task Group	\$1,660.00
NYS W&M Association	\$4,000.00
Nevada: Western RMAP	\$1,781.72

Available Funds

\$30,179.21

Approved Financial Condition at 7:41 a.m.

IV. NCWM INDUSTRY REPRESENTATIVES REPORTS

a) Board of Directors Report – Chris Guay

- EV Charging Stations – requirements in Handbook 44 vs. cost of compliance. Proposals in some states would exclude Handbook 44 requirements. NCWM will prepare an educational background article for newsletter and an educational press release.
- OIIML Standards: Foreign companies want international access to US market, harmonization
- New Policy: Committee Work Session Protocol on comments during work sessions – “Committee Chairs may request technical clarification from called upon observers during their work sessions.” This would eliminate “observers raising their hands” and other committee members asking an observer a question.
- Professional Certification Program – Jerry Buendel has now taken responsibility from Ross Andersen. Some new topic areas are soon to be released.
- Testing -- challenge for states wanting to administer testing, but work is underway to work through issues. Some testing centers may charge a fee, especially for private sector employees.
- Basic competency exams are a challenge for RSA (private sector service providers) employees and new state inspectors to pass since the test content can be broader than their technical niche or specialty.
- Accreditation of Professional Certification Program -- Signed agreement with accreditation agency to start to evaluate the accreditation process – they are conducting due diligence gap analysis to determine possible process/cost. Question is whether each test category will be a separate accreditation and cost of getting and maintaining accreditation.
- Board asking question whether FALS should be made a standing committee independent of L&R. Plan is to look at ways to ensure FALS works for all stakeholders.
- Strategic Plan – Board has last meeting with facilitator in November, will be discussing with members at this meeting. Looking for input.

b) PDC Report – Jim Pettinato

- Looking for Safety Liaison

c) L&R Report

Nothing to report.

Regional Summaries

CWMA:

Nothing to report.

NEWMA:

Nothing to report.

SWMA:

Nothing to report.

WWMA:

Nothing to report.

Other Organizations

NIST:

Nothing to report.

OIML:

Nothing to report.

Canada:

Nothing to report.

Membership

- Nothing to report.

Future NCWM Meetings

- 1/10 – 1/13/2021 Interim Meeting St. Pete Beach, FL
- 7/18 – 7/22/2021 Annual Meeting Rochester, NY

AMC Positions

- Need Secretary/Treasurer position filled.

V. AMC FUND DISBURSEMENT REQUESTS

- None at the time of meeting.
- New Request on 2/10/20 for NJ Weights and Measures to travel to Mettler Toledo facility. \$750.00

VI. FILLING VACANT POSITIONS

None.

VII. OLD BUSINESS

None.

VIII. NEW BUSINESS

- Bob Wiese brought up the Hawaiian metrology lab's metrologist had a medical event. He was wondering if there was a precedent for NCWM or committees providing some form of condolence. Chris Guay to bring up to Board.

IX. ADJOURNMENT

At 8:09 a.m.

Respectfully submitted by:
Mr. Ron Gibson, Vice-Chair

Associate Membership Committee (AMC) Members

Office	Name	Affiliation	Term Ends
Chair	Bob Weise	NW Tank & Environmental Services	2020
Vice-Chair	Ron Gibson	Seraphin Test Measure	2020
Secretary/Treasurer	Vacant		2020
Member	Chris Guay	Procter & Gamble, Co.	2020
Member	Rebecca Richardson	MARC-IV Consulting	2022
Member	Prentiss Searles	API	2022
Member	David Calix	NCR Corporation	2023
Member	Bob Murnane	Seraphin Test Measure	2023

AMC Meeting Attendees

- Bob Wiese, NW Tank
- Ron Gibson, Seraphin
- Jim Pettinato, TechnipFMC
- Brad Fryburger, Southern II Scale
- Richard Suiter, Richard Suiter Consulting
- Bill Callaway, Crompco
- Russ Vires, Mettler-Toledo
- Chris Guay, Procter & Gamble
- Brent Price, Gilbarco

Appendix C

Stakeholder Input for the Strategic Plan

LBL Strategies is a consulting firm that guided the Board of Directors through the Strategic Planning process. A first step in planning is an Environmental Scan. LBL surveyed a variety of members and conducted phone interviews to gather input that would assist the Board in identifying priorities when developing the new plan. The following is a consolidation of the comments received.

- Concern for adequate support for state and local programs.
- NCWM and regulators need to keep pace with marketplace disrupters, new technology and innovation.
- Use those changes and innovation as opportunities for increased outreach and involvement to strengthen NCWM and its ability to develop standards more efficiently.
- NTEP is growing with the new technologies and innovations and needs to continue focus on expanding the program.
- We need better public awareness of NCWM as a standards organization and the importance of W&M inspection programs.
- Consumers are valuing convenience over accuracy. NCWM needs to adapt to cultural changes to remain relevant.
- NCWM and the W&M community have difficulty drawing young and knowledgeable people as elders retire.
- Politics can get in the way of proper standards.
- NCWM needs to think more globally and be recognized as a leader and resource for industry and government rather than maintain status quo.
- NIST provides support for NCWM but seems to dominate and control the processes and standards. NCWM needs to consider how to grow outside of the NIST shadow.
- NCWM staff are good, though additional staffing and expertise may be needed and the office location may be a factor in visibility.
- NCWM has an opportunity to help agencies maintain well-trained staff to address new technologies and trends.
- Concern for lack of uniformity among the states.
- NCWM needs to think outside the box and take advantage of a changing world and work more closely with the international community.
- NCWM needs to consider international standards but maintain control of U.S. standards.
- NCWM is the place to go when there is inequity in the marketplace.
- NCWM provides learning and growth.
- The standards and NTEP are very important.
- NCWM provides a fair and open standards process.

BOD 2021 Interim Meeting Agenda
Appendix C – Stakeholder Input for the Strategic Plan

- Volunteer regulators and industry are key to success.
- Professional certifications provide a source of pride.
- NTEP is solid but should look to expand.
- NCWM has made recent efforts to improve its processes and needs to continue that effort.
- NCWM creates the standards, but state laws reference NIST. This needs to change if NCWM wants to be recognized.
- NCWM needs to develop and nurture relationships with federal agencies, state agencies and other associations to become more relevant to its members.
- NCWM needs to work with federal agencies to resolve conflicting requirements.

Appendix D

Publications 15 and 16 Committee Report Format

(Sample Item)

SCL-7 V S.1.8.5. Recorded Representations, Point of Sale Systems

Source:

Kansas and Minnesota (2017)

Purpose:

Provide consumers the same opportunity, to be able to easily verify whether or not tare is taken on items weighed at a checkout stand using a POS system, which is currently afforded them when witnessing items being weighed and priced in their presence using other scales in the store.

Item Under Consideration:

Amend NIST Handbook 44, Scales Code as follows:

S.1.8.5. Recorded Representations, Point-of-Sale Systems. – The sales information recorded by cash registers when interfaced with a weighing element shall contain the following information for items weighed at the checkout stand:

- (a) the net weight;¹
- (b) the unit price;¹
- (c) the total price; and
- (d) the product class or, in a system equipped with price look-up capability, the product name or code number.

(e) the tare weight¹

[Non-retroactive January 1, 2022]

(Amended 20XX)

¹ For devices interfaced with scales indicating in metric units, the unit price may be expressed in price per 100 grams. Weight values shall be identified by kilograms, kg, grams, g, ounces, oz, pounds, or lb. *The “#” symbol is not acceptable.*

[Nonretroactive as of January 1, 2006]

(Amended 1995 and 2005)

Previous Action:

- **2017: Voting Item returned to Committee**
- **2018: Voting Item**

Original Justification:

This proposal would benefit consumers by enabling them to see briefly that tare is being taken on the commodities they purchase. It would also educate the public about tare and make them better and more aware consumers.

Retailers would benefit because this proposal would aid their quality control efforts behind the counter and at the cash register. Retailers would be able to see that their employees are taking tare on packages, and that the tare employees take is the appropriate tare. For example, a meat manager would be able to spot packages of 1 lb. hamburger which had been packaged on the night shift mistakenly using the tare for family packs of chicken, just by walking down the meat counter and noticing a 0.06 lb. tare on a package size that would normally have a 0.02 or 0.03 lb. tare. The manager could also spot a 0.03lb tare on packages that should have a 0.06lb tare. Either way, the manager would be able to remove the items from the shelf and make corrections before the store or its customers were harmed. The manager would also be able to re-educate the employees responsible for the error. This improved quality control and transparency would build consumer confidence in retailers' establishments. It might even reduce the time and disruption retailers experience from official package inspections.

Package checking inspections potentially could be reduced because weights and measures officials could make risk-based assessments on the need to do package checking inspections at any given location. If an official notes that gross weights or tares are visible on all random-weight packages, and that the tares seem appropriate to the package sizes, the official may be able to skip that location and focus package checking efforts on locations where tares are absent or seem inappropriate for the package sizes. That would be more efficient for both retailers and weights and measures jurisdictions. Some retailers may not want consumers to have this information as it will allow consumers and weights and measures officials to hold them accountable and would be written proof tare was not taken when, and if, that happens.

Finally, this proposal would aid weights and measures officials investigating complaints about net contents of item by creating written proof of how much tare was taken on a given package or transaction.

Arguments in Favor:

- It is very difficult for customers at a checkout stand to determine whether or not tare has been taken on products weighed by a store cashier on POS systems that display only a gross weight when the net weight is the only weight information appearing on the sales receipt. This is especially true, she said, when there are multiple items in a customer's shopping cart to be weighed.
- Additional information is needed on the sales receipt to make it possible for consumers to ensure tare has been taken on items weighed at a POS checkout.
- Several POS devices already provide tare information on the printed receipt.
- The proposed item would provide more information for investigations of consumer complaints.
- Printing tare values on POS register receipts is a tool for regulators and store managers to audit how personnel are doing with taking tares.
- Consumers deserve to be protected.
- This is a non-retroactive requirement that impacts equipment that is installed after the non-retroactive date.
- If customers were asked if they wanted to be charged correctly, they would say "yes," regardless if they knew what the term "tare" meant.
- Many grocers deliver products from the store to customers' homes and customers are not present during the weighing of these items to witness whether tare was taken or not during the transaction.
- Inspection of programmed tare values is not enough as this may not be the value used during the transaction.

Arguments Against:

- It would be too costly for scale manufacturers and retailers to modify software and label and receipt designs with little benefit.
- Even though the requirement would be nonretroactive for a period, retailers with point of sale systems and packaging scales may feel pressured to update software or purchase new devices in response to consumer demand for tare information on labels and receipts.
- The amount of paper needed to print customer receipts may increase depending on the formatting of the information and the size of the paper being used.
- All tare weights would be required on the receipt, regardless of if it were 1 or 100 weight transactions.
- The requirement would be costly to industry (e.g., increased costs for software development, employee training, and consumer education) and additional costs would be passed on to the consumer.
- Customers have not asked for this information.

- Regulators can verify that tare values in POS systems are accurate and this would confuse consumers.

Item Development:

The original proposal applied S.1.8.5. Recorded Representation, Point-of-Sale Systems and created a new proposed paragraph S.1.9.3. Recorded Representations, Random Weight Package Labels as follows:

S.1.8.5. Recorded Representations, Point-of-Sale Systems. – The sales information recorded by cash registers when interfaced with a weighing element shall contain the following information for items weighed at the checkout stand:

(a) the net weight;¹

(b) the gross weight or tare weight;¹

~~(bc)~~ the unit price;¹

~~(ed)~~ the total price; and

~~(de)~~ the product class or, in a system equipped with price look-up capability, the product name or code number.

[Non-retroactive January 1, 20XX]

¹ For devices interfaced with scales indicating in metric units, the unit price may be expressed in price per 100 grams. Weight values shall be identified by kilograms, kg, grams, g, ounces, oz, pounds, or lb. *The “#” symbol is not acceptable.*

[Nonretroactive as of January 1, 2006]

(Amended 1995 and 2005)

And

S.1.9.3. Recorded Representations, Random Weight Package Labels. – **A prepackaging scale or a device that produces a printed ticket as the label for a random weight package shall produce labels which must contain the following information:**

(a) the net weight;¹

(b) the gross weight or tare weight;¹

(c) the unit price;¹

(d) the total price; and

(e) the product class or, in a system equipped with price look-up capability, the product name or code number.

[Non-retroactive as of January 1, 20XX]

At the 2017 Interim Meeting, the committee deleted the S.1.9.3. Recorded Representations, Random Weight Package Labels because it conflicts with Handbook 130 Uniform Packaging and Labeling Regulation. Additionally, the committee agreed with comments that consumers would be better served with a consistent means for representing tare, so the option of printing gross weight or tare weight was modified to simply require tare weight.

The committee also received a suggestion to require at some future date that the tare weight appear on displays rather than requiring the information on sales receipts. However, even if a customer can view the tare indication from a POS display, the committee noted that there still needs to be a paper trail of the recorded transaction information for enforcement purposes.

The submitters requested, and the committee agreed to modifications to the proposals in response to some concerns that were raised.

- Place the tare weight at the as the last information in the transaction.
- Extend the nonretroactive date to 2022 to allow more time to develop the software.

No additional changes have been made following the January 2017 deliberations.

Regional Association Comments:

WWMA: The Committee is recommending this item to be an informational item with the following changes to the purpose and text of the item copied from Appendix A, Page S&T – A24, as agreed by the S&T Committee at the 2017 NCWM annual meeting.

S.1.8.5. Recorded Representations, Point-of-Sale Systems. – The sales information recorded by cash registers when interfaced with a weighing element shall contain the following information for items weighed at the checkout stand:

- (a) the net weight;¹
- (b) the unit price;¹
- (c) the total price; and
- (d) the product class or, in a system equipped with price look-up capability, the product name or code number.

(e) *the tare weight*¹
[Non-retroactive January 1, 2022]
(Amended 20XX)

SWMA: The Committee heard comments from Ms. Tina Butcher (NIST OWM) who noted that the title of the item in the Appendix to the Committee’s report still includes a reference to a part of the original proposal which would have required the tare weight to be printed on random-packed products. That portion of the proposal was removed from the proposal prior to the NCWM Annual Meeting. In addition, she noted that the submitters of the item made modifications to the proposal following the 2017 Annual Meeting. The modifications recommend extending the nonretroactive date to 2022 (rather than 2020) and moving the reference to “tare weight” to the last item in the list.

The Committee heard some comments on the proposal indicating there was some confusion about the purpose of the proposal and what specifically was being recommended. The Committee heard multiple comments, both in support of and in opposition to the proposal and consequently, recommends the item for a vote to allow the membership to decide.

CWMA: The SMA opposes this item due to the implementation costs to the manufacturers, retailers, and consumers. Iowa stated they supported the item as previously proposed, excluding the non-retroactive date. The committee believes this item has been fully developed and should be moved to a vote.

NEWMA: Mr. Eric Golden (Cardinal Scale) commented that the SMA opposes this item. Comments were heard on the possible confusion it could lead to. Comments were heard on withdrawing the item. Mr. Lou Sakin (MA) believed the item had merit and recommend voting. The Committee recommends this item be moved forward as an Informational Item.