

Appendix E

Task Force on Planning for the 21st Century

Final Report Executive Summary

Introduction

The Task Force on Planning for the 21st Century last met on November 7 and 8, 1991. Two new members were appointed by Chairman Sid Colbrook: N. David Smith and Carole Glade (replacing Mary Heslin). Also in attendance at the meeting were Chairman-Elect Allan Nelson, NCWM Executive Secretary Carroll Brickenkamp, Tina Butcher of OWM/NIST and Carol Fulmer of the State of South Carolina.

Issues and Recommendations

Quality Assurance Programs

A major portion of the meeting dealt with Quality Assurance Programs. Tina Butcher, having spent several months working with the Malcolm Baldrige National Quality Award Program (MBNQA), provided information regarding the introduction of the quality management process into weights and measures programs. One reason the Task Force is emphasizing the concept of quality is to enable weights and measures organizations to flourish, or even just survive, in competitive environments. Government agencies compete with one another for a portion of Federal tax revenues. Although implementation of quality assurance programs in management and operations will not necessarily save threatened programs, there are strong reasons to increase effectiveness and efficiency in an already viable program, into which category most weights and measures enforcement programs fall. The application criteria and guidelines developed for the MBNQA provide a framework for planning, assessing, and implementing improvements in agency's operations.

A key concept of the Baldrige criteria is customer satisfaction. A weights and measures agency has many "external" customers, including retail stores, device owners, device manufacturers, device repair firms, packagers, and ultimate consumers. The agency also has "internal" customers, such as the inspector, the secretarial staff, the Commissioner or Director of the parent agency, the Governor or Mayor, the State or District Attorney, and the State Legislators or local governing council. Once these customers have been defined, the agency can address satisfying these customers and how to measure whether customer satisfaction increases or decreases with changes in service. Communications between the parties as to the kind of services or products the other needs or wants, and recognition that each is the other's customer, are necessary to providing satisfaction in product or service.

In addition to customers, an agency has "suppliers," those companies or persons who provide services or products that the agency uses to deliver a product or service to its own customers. The weights and measures agency's suppliers may include the data processing, personnel, or billing departments, printers of forms, and testing equipment manufacturers. Just as certain persons or companies may be an agency's customers, these same persons or companies may be an agency's suppliers. For example, the agency wants to satisfy the needs of its Legislature by providing it with recommendations for public service laws; similarly, the Legislature needs to provide an agency with enforceable laws. Thus, the Legislature is a supplier of services to the weights and measures agency. The question becomes how to assure quality of services and products from suppliers.

Recommendation: The Task Force recommended that arrangements be made for a presentation at the Interim Meeting by a representative of one of the companies that has won the National Quality Award or a member of the MBNQA Board of Examiners. It also recommended that a short workshop be added to the Interim Meeting to introduce participants to the quality criteria developed by the MBNQA, and in which participants would develop examples and ideas for implementing these criteria in their own organizations. This is a first step that is envisioned to continue at the Regional Weights and Measures Conferences and, possibly, at the Annual

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Meeting. The goal of the Task Force is to promote the development of a "best practices" database of ideas and examples that any weights and measures jurisdiction can implement.

A presentation and workshop on quality was held as part of the Interim Meeting 1992.

Public Relations

Another portion of the meeting, devoted to follow-up of the Task Force's previous recommendations regarding "networking," centered on better utilization of newsletters and other publications to tell the "Weights and Measures Story." The issue of informing the public of the benefits of an effective weights and measures program was explored in depth. It was concluded that the NCWM should be more proactive in this area and, at the very least, should take better advantage of naturally occurring events to generate favorable publicity.

Recommendation: The Task Force recommended that the Executive Committee consider hiring a free-lance writer to develop articles for publication in newsletters, trade publications and appropriate magazines. The Task Force further recommended that the Associate Membership Committee be enlisted to determine whether a member company would be interested in providing a marketing expert to advise the Task Force at a future meeting regarding how to improve our techniques in this area.

National Weights and Measures Law

The Task Force continued its discussions regarding the feasibility of adopting a national weights and measures law in order to reduce problems created by lack of uniformity. The Task Force agreed that NCWM would still be the developing body for regulations if such a law were enacted, and State and local weights and measures agencies would retain the responsibility of enforcing weights and measures requirements. After much discussion of the merits and need for such a law, it was concluded that, in order for such a proposal to have a chance for success in Congress, the affected industry would need to commit itself to passage of the law.

Recommendation: The Task Force recommended that the Associate Membership Committee be consulted regarding its interest in taking the initiative in the development of a National Weights and Measures Law.

The Associate Membership Committee was asked to assist with a marketing expert and to explore whether there was a need from their perspective for a National Weights and Measures Law. See the Liaison Report for the results of their meeting.

Future Meeting Agenda

The Task Force has scheduled its next meeting April 29 through May 1 in Asheville, NC. The subjects to be discussed include:

- Follow-up of Interim Meeting issues.
- Exploring alternative means of accomplishing weights and measures objectives.
- Follow-up of remaining high priority issues (see July, 1991 report)
- Consideration of additional issues as identified.
- Future role of the Task Force.

The Task Force on Planning for the Twenty-First Century was formed in 1990 by Chairman N. David Smith at the 75th Annual Meeting of the National Conference of Weights and Measures (NCWM). This report is a summary of its fourth meeting held in April 1992 and is a compilation of the conclusions of the Task Force.

The priorities listed below have been designated by the Task Force as those needing immediate attention because of their impact on weights and measures. Other issues are identified as important and should be addressed over the next few years in order to prepare for the year 2000.

The Task Force will meet at the 77th Annual Meeting to review information regarding privatization and to pass its findings along to the Working Group on Privatization that will hold its initial meeting in conjunction with the final meeting of the Task Force.

PRIORITY AREAS:

1. Uniformity of laws, regulations, and their interpretation and implementation (national and international)

NCWM should form one or more working groups, with representation from business, consumer groups, and State and Federal agencies, to plan and implement means for obtaining more uniformity in weights and measures requirements and uniformity of implementation; promoting, perhaps even codifying, the use of the National Conference on Weights and Measures as the standardizing body and the NCWM Uniform Weights and Measures Law as the model for a Federal law.

There are several specific areas needing first, national, then, international harmonization: net weight requirements; metric package labeling; prototype evaluation of load cells, scales, and other weights and measures devices, to name a few.

2. Education and Outreach

NCWM must shoulder the responsibility of the leadership organization dealing with any weights and measures issue. This will require a greater investment in time and resources towards public relations, consumer education, and defense of weights and measures regulation and programs.

The Liaison Committee currently has the responsibility for interaction with other groups and individuals. All committees and individuals within the NCWM must become responsible for the liaison function and incorporate other organizations in the planning and development of Conference activities.

3. Technology

- a. NCWM, NIST, and individual Federal, State, and local agencies must develop and expand an electronics communications and information system and network. Sharing information on a real time basis of educational, administrative, regulatory, and interpretative matters is now of critical importance so that real uniformity can be practiced.
- b. Not only new, but existing technology must be incorporated into the weights and measures field in order to increase effectiveness and impact. Hand-held computers, bar-code scanners, and data-base sampling of non-compliant businesses are a few examples.

4. Management

The Conference must grow from a "small business" to a "corporation" in management and philosophy. A hierarchical system of management will probably be necessary, without sacrificing the excellent teamwork and mutual responsibility already a hallmark of the organization.

- a. Working groups, comprised of experts in the field, should be utilized where appropriate for each committee within the NCWM on a project-by-project basis, similar to the National Type Evaluation Technical Committee Sectors. Examples are metric labeling under the Federal Fair Packaging and Labeling Act, and the Petroleum Subcommittee.
- b. Quality management is an important ingredient to a successful weights and measures program, both in the private as well as the public sectors. The NCWM should sponsor training on the quality process and incorporate quality concepts into all existing modules.

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- c. International issues will take on more importance in the years ahead. The NCWM must position itself, together with NIST, to be the leadership organization for the United States in international weights and measures issues, harmonizing Federal agency weights and measures concerns with those of the States, and harmonizing where necessary for U.S. business with other Western Hemisphere nations and with OIML.
- d. Privatization may well change the weights the measures regulatory field. The NCWM must plan and prepare the public, regulatory, and private sectors for effective government within the budgetary constraints driving this issue.

National Conference on Weights and Measures

Task Force on Planning for the 21st Century

Report

CHARGE: The Task Force on Planning for the 21st Century was appointed by Chairman N. David Smith in 1990 to assess the changes and impacts on weights and measures in the 21st Century. The Task Force was charged with:

- identifying issues which would change the nature of weights and measures;
- reviewing possible strategies for addressing these issues, and;
- presenting recommendations to the NCWM Executive Committee for review and action.

MEMBERS: The membership of the Task Force was appointed to represent weights and measures geographical diversity and to incorporate business and consumer input. The current members of the Task Force are:

Darrell Guensler, (chairman) -- California
N. David Smith -- North Carolina
Bruce Martell-- Vermont
Chip Kloos -- Hunt-Wesson (Associate Membership Committee chairman and business representative)
Carole Glade -- National Coalition for Consumer Education (consumer representative)
Tom Geiler -- Barnstable, Massachusetts

Carroll Brickenkamp, Office of Weights and Measures, National Institute of Standards and Technology acted as Technical Advisor. When the Task Force was first formed, Mary Heslin, formerly of the Department of Consumer Affairs for the State of Connecticut, served as consumer liaison. Albert Tholen, formerly Chief of the Office of Weights and Measures, served as Technical Advisor.

The Task Force met several times in 1991 and 1992 to discuss and review issues and to learn from outside experts (Tina Butcher, NIST, worked with the Task Force on the issue of quality management, and Henry Oppermann, NIST, provided the Task Force with a glimpse of future technology.) This report is a summary of the findings of the Task Force. The issues listed as priorities have been designated by the Task Force as those impacting Weights and Measures the greatest and needing immediate attention. Other issues are identified as important and should be addressed over the next few years in order to prepare for the twenty-first century.

From its first meeting, Chairman Guensler made clear his objective not just of identifying issues, but of catalyzing their implementation or resolution within the Conference. Almost its first action was the recommendation that a group on petroleum quality be established within the Conference. The Executive Committee established a Subcommittee on Petroleum Quality under the Laws and Regulations this year. Another recommendation of the Task Force pertaining to quality management was begun by hosting a short workshop at the Interim Meeting on the care and feeding of the "internal" and "external" customer. This workshop was led by a representative

of Federal Express, the only service company (as compared to manufacturing companies) to receive the Malcolm Baldrige National Quality Award.

Continue Long Range Planning

While many issues have been identified and are under review or being addressed, the Task Force strongly recommends long range planning as a key management issue for the Conference. An issue identification and planning "group" should continue within the Conference in order to keep the flow of ideas and issues coming in and to identify recommendations for the resolution of these issues.

The planning group should serve as a conduit or "hour glass filter" through which ideas flow in and out and are sorted out or sifted through. This two-way communication is essential to the success of the Conference and continuing its service to its customers.

The Task Force is gathering information on privatization from a variety of sources for review and consideration at a meeting in July. This issue will be reviewed in more detail later in the year.

TASK FORCE STRUCTURE: The members of the task force have agreed that planning for the future has not yet been completed. If the Chairman determines that the Task Force should continue, it is recommended that the membership be expanded to include more experts in the areas of business and technology. Chairman Guensler has agreed to continue to serve but not as chairman. A representative of a federal agency -- in a position of authority to act for and respond to its agency -- should also be added. Continuity is important, and longevity is a concern. Current members should stay on for a time and rotate off to ensure the free flow of new ideas and information.

PRIORITY AREAS: The Task Force identified four key areas which will have impact on all issues relating to weights and measures. These areas are:

1. **LEGISLATION AND REGULATION** -- existing or needed legislation and regulation on the national, state, local and international levels;
2. **EDUCATION AND OUTREACH** -- education and training of weights and measures officials and the private sector; outreach by the Conference to weights and measures offices and the internal and external customers; consumer and business education and the education of the media, press and Congress.
3. **TECHNOLOGY** -- current technology and its role in the future; the impact of technology on the functions and role of weights and measures officials; systems and devices and the impact on education and enforcement.
4. **MANAGEMENT** -- quality of weights and measures products and services internally and externally; personnel development and retention and re-training; training and information; National Conference format and organizational structure; efficiency and effectiveness in carrying out weights and measures functions and responsibilities.

PRIORITY RECOMMENDATIONS

REGULATION/LEGISLATION:

Background: Handbook 130 "Uniform Weights and Measures Law" recommends in Sections 4 through 10, that the (1) specifications and tolerances of weighing and measuring devices; (2) the packaging and labeling regulations, (3) the regulations governing the methods of sale of commodities; (4) the standards governing unit pricing; (5) the standards governing registration of service agencies; (6) the standards governing open dating of perishable foods; and, (7) the requirements for type evaluation of weighing and measuring devices, be those adopted by the National Conference on Weights and Measures. The Uniform Weights and Measures Law also requires the establishment of a State weights and measures agency with responsibility to administer this law.

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One of the greatest problems cited by regulatory officials and industry is the lack of uniformity across jurisdictional boundaries. One of the major objectives of the National Conference on Weights and Measures is to achieve uniformity in weights and measures laws, regulations, and methods of test. Unfortunately, many State weights and measures laws do not permit timely updating of their regulations so that the annual update and revision of Handbook 44, for example, does not get adopted by the States when intended, that is, on January 1 in the year following the Annual Meeting in which the Conference acted. Many States have a limited ability to adopt NCWM recommendations; in the wake of fiscal austerity programs, most States have a limited ability to enforce their regulations. The State of California, for example, must go through a complicated process to revise its Business and Administrative Code to track Handbook 44. This process delays the adoption of the current version of Handbook 44 by several months. Because California operates as a Participating Laboratory for the National Type Evaluation Program, its type evaluation laboratory must use the most recent, up-to-date version of Handbook 44 months before California field staff may enforce it.

The Task Force investigated the idea that the U.S. Congress could adopt the Uniform Weights and Measures Law as a Federal law, exactly as currently written. No Federal regulatory agency would be established; rather, this would mandate that States always enforce the most recent version of NCWM recommendations and would also mandate a State (and local, if desired) weights and measures regulatory enforcement agency. It would, in addition, mandate that the NCWM recommendations would become regulatory requirements. For those States used to "going their own way," this would be a difficult pill to swallow; however, it would make State and local enforcement officials take the importance of their vote within the Conference much more seriously. If a majority of both houses adopt a given recommendation, that recommendation would become the "law of the land." No Federal regulatory agency would be established.

One concern the Task Force members expressed was whether such a law could reference a standards-development body as the means for regulation maintenance and interpretation. Members of the Task Force pointed out that Federal policy (OMB Circular 119A) recommends using voluntary standards as Federal standards. The latest edition of the standards of the Association of Official Analytical Chemists is referenced in the regulations promulgated by the Food and Drug Administration. Closer to weights and measures, the Food Safety and Inspection Service regulations specifically require industry and States to negotiate gray areas for moisture loss in meat and poultry products through the National Conference on Weights and Measures.

The Task Force believes that strong lobbying for a Federal law must first be accompanied by a clear understanding of what is being asked: not the establishment of a Federal bureaucracy, but a codification of local weights and measures enforcement. Also, from the weights and measures officials' point of view, it could be seen as very self-serving, even as means of job preservation; therefore, the Task Force believes that this is an initiative that industry needs to support and sell. Unfortunately, the Task Force acted too quickly on this issue; the Chairman of the Associate Membership Committee made a presentation to representatives mainly from the packaging industry at the January 1992 Interim Meeting. The Nutrition Labeling and Education Act of 1990 was just in the process of being implemented. It specifically preempts the States from enforcing any labeling requirements, including those of net weight labeling, that are different from those set forth by the Food and Drug Administration. The packaging representatives at that meeting did not see the issue of nonuniformity as any longer of major importance. Representatives from the device manufacturing and servicing industries were not present. Issues with respect to the relationship between regulators and regulated industries concerning a national weights and measures law include: (1) device manufacturers and retailers would no longer have a dumping ground for noncompliant product; (2) there is no cultural tradition within the United States for cooperation between the public and private sectors.

Recommendation: The Task Force recommends that a working group be established to educate the Conference, its members, and the public about the need for uniformity in legal requirements over the entire nation. The Uniform Weights and Measures Law as presently recommended by the National Conference should be considered as a model for a national law.

The major elements of a national law should be:

No Federal agency should be set up to enforce weights and measures regulations. Local and state weights and measures officials should be required to be key enforcement agents.

The National Conference on Weights and Measures should be the standards-setting body that will maintain and keep current the technical and administrative requirements that State and local government agents will enforce. Voting members will remain regulatory officials; business representatives should continue to retain nonvoting membership status; consumer and device-user interests must be educated about weights and measures and brought into the NCWM standards development process.

Further Considerations: Two issues of importance surface in the area of uniformity:

The role of Federal agency representatives that share regulatory and enforcement responsibility with States in certain areas must be determined. Perhaps the Federal Grain Inspection Service should have voting rights on issues impacting the weighing of grain, for example.

Perhaps sections should be drafted to be added to the Uniform Weights and Measures Law to mandate training and certification for regulatory officials and service agency representatives.

Neither issue is unique to consideration of a national weights and measures law. These issues should be investigated in light of the current structure of the Conference and the adoption of the Law by States.

Recommendation: Investigating the advisability of a national weights and measures law is only part of the issue of uniformity; there needs to be more uniformity in enforcement of weights and measures requirements, rather than uniformity only in the requirements themselves. By this is meant the lack of uniformity in interpretation of what constitutes an acceptable commercial practice or acceptable device for use in a given commercial application. This is where greater resources need to be expended by the States, Federal government, NCWM, and industry to (1) develop a consensus within the Conference on these interpretations, before practices or devices that are judged unacceptable become widespread, and then (2) educate the public, the enforcement agents, and businesses concerning these practices.

If all jurisdictions had the same laws and regulations in place, and interpreted the same, then it would be possible to share inspectional resources and data across jurisdictional borders; business could be treated more equally from jurisdiction to jurisdiction, and the public could be informed and educated at lower cost because their rights would be the same across the nation.

Immediate Action Item: Of immediate impact, the Task Force recommends that the impact of the metric labeling provisions of the Federal Fair Packaging and Labeling Act (FPLA) and the State preemption and enforcement provisions of the Nutrition Labeling and Education Act (NLEA) be reviewed and a NCWM strategy devised.

Summary on Uniformity: The Task Force suggests that the NCWM develop working groups on these three issues: a Federal weights and measures law; metric FPLA; and, NLEA. These working groups should be formed with representation from business, consumer groups, regulators, and other interested parties to develop a long term implementation plan for each area. These groups should be charged to work together to provide consumer understanding of the new labeling requirements and develop a strategy and network for consumer education about the legislation.

EDUCATION AND OUTREACH

Background: There has been a general hue and cry for the last couple of years from State and local weights and measures agencies about the need for help in defending their agencies in years of fiscal austerity within the government. For many years before this most recent fiscal crisis, there have been complaints that the general public does not understand what weights and measures regulation is all about or the need for it. Weights and Measure Week was originated in part to deal with this problem, to provide a special opportunity within the year to get out and tell the reasons for weights and measures to the general local community. The NCWM has a

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publication called "Weights and Measures Week Guide." The Conference Liaison Committee's responsibility is to interface with outside organizations and individuals. The Education Committee's responsibility includes consumer affairs. However, the Task Force feels that the Conference is not doing enough.

The National Conference on Weights and Measures is the leadership organization and key group to deal with any weights and measures issue within any forum. The Conference must take additional responsibility for this leadership role with respect to:

- federal agencies;
- legislatures, Congress, and legislative staff;
- foreign governments and international standards-development organizations;
- user businesses, such as the retail and wholesale marketing trades;
- educators;
- the press;
- consumer organizations; and
- the general public.

To do this the NCWM must:

- establish a broader network with other professionals on the local, state, national, and international level;
- invite experts in to the conference in related areas (such as in the petroleum safety area, State departments of transportation, or the institutional packaging area);
- develop Conference products for, and systems for interfacing with, these other professionals, providing something of value (what's in it for me) to all involved and concerned; and
- develop measurable and visible actions for the consumers, business community, and enforcement organizations and members.

Recommendations: To lead, educate and inform others outside the field, the NCWM should incorporate the liaison function of the Liaison Committee into all committees. The role of the Liaison Committee should be shared by all groups and individuals within the Conference. The Executive Committee should incorporate the liaison function into the objectives of all the committees and groups within the Conference.

Perhaps the Liaison Committee should be divided and assigned as advisors to other groups within the Conference and be dissolved as a formal committee. This will (1) provide a transition and pass the expertise of liaison to the other groups; and, (2) free Conference resources for other important work. A working group should be formed under the Education Committee to address consumer affairs more proactively. The Liaison Committee's development of a consumer brochure on weights and measures is a good first step; this consumer outreach must expand. One option the Executive Committee might explore is the assignment of the Liaison Committee as a whole to the Educational Committee to complete its work on the consumer pamphlet before dividing its membership to advise the other committees and groups.

TECHNOLOGY:

The issue of technology was close to the hearts of all the weights and measures officials on the Task Force; nevertheless, the Chairman left the in-depth exploration of this subject until the April 1992 meeting. Henry Oppermann, NIST, provided his expertise during this phase of the discussions.

Trends in the device technology area can be focussed on the cost versus the benefit of improved technology. Businesses of every sort want to reduce their labor costs, so in service industries, the use of computer-stored tare weights is on the increase because this eliminates one of two weighings for each transaction (full and empty). Weights and measures regulation must also factor in cost/benefit ratios, because as the cost of weighing increases, the cost of errors in weighing also often increase proportionately. For this reason, in-motion weighing systems are increasingly replacing static weighing for commercial transactions. The attempt to reduce labor costs within the manufacturing sector is revealed by the increasing use of labor outside the United States to manufacture devices. On-board weighing systems is another result of users demanding less time for the total operation of which weighing is just one part. There is increasing pressure on weights and measures to recognize on-board weighing systems for trash and garbage pickup to be class III devices; in terms of suitability, the users

will be satisfied as long as the system holds up over time under severe use and environment. The decision of suitability, is in many opinions, more an issue of the dollar value of the error not the absolute size of the error in terms of weight. At the present time Handbook 44 specifies tolerances in terms of the device technology; efforts are underway to define tolerances in terms of the commodity value.

Another technological issue is that of software controlling the computers that are either built into the device or even control the device remotely. Almost every device coming onto the marketplace today is capable of computer control; these computers are collecting and using data in wider applications than controlling the accuracy of a measurement. Inventory and accounting data are collected; even individual customer's likes and dislikes! Type evaluation cannot control this software; user customized modifications are offered after evaluation; this requires much greater knowledge and sophistication on the part of the weights and measures field enforcement personnel to properly test and examine the measuring systems. The issue of how to seal such computer controlled equipment is only part of the complexity introduced by this technology. It is becoming increasingly imperative for weights and measures enforcement officials to practice some type of "transaction verification" in order to determine whether the entire marketing system is fair; type evaluation can only partially serve the public.

Computers enable manufacturers to automate the testing and adjustment of devices; this capability must be anticipated and adopted by the weights and measures official. If testing devices is all that the weights and measures official perceives as his or her job, then he or she can truly be replaced by a computer. Of great importance, however, is how the government is going to manage and control this capability so as to maintain equity in the marketplace. Government will require more highly trained regulatory officials, capable of investigating selectable features and other device/computer changes. This trend leads to the absolute necessity of providing some minimum level and amount of training and minimum certification not only for government inspectors but also for device service agents as well. The infrastructure for the delivery of this training and maintenance of expertise has only been begun to be built. The training modules for beginning inspectors have not been developed for device service agents. A training delivery system is not yet in place. State and local government agencies continue to view the cost of ongoing training as a cost that can be cut in lean times. The central development of training materials and training coordination by NIST is not being maintained or developed because of the erosion of resources at NIST. NCWM has not yet committed its resources to training delivery either to pay the way of trainers (except for train-the-trainer training) or to pay the way for students.

Recommendation: Education of the weights and measures professional should be the absolute first priority of the weights and measures community, culture, and the Conference.

Computer Network

The time to evaluate a given marketing transaction through transaction verification, that is, the verification of accuracy and equity by actually conducting a transaction is much longer than device testing by itself. A shift to transaction verification will therefore require sampling of businesses, devices, and practices, rather than 100% device testing, if government costs are to be contained. This will require additional shifting of the jurisdiction to the use of computers to keep track of which businesses, devices, etc., need more frequent or less frequent investigation. Hand-held computers linked by cellular telephone to a central database will eliminate the need for two persons to collect the data as is often done today - one in the field hand recording measurement values, and one in the office keyboarding the data into a computer. However, the data across geographic areas from different jurisdictions, States, or businesses should be combined and analyzed for more efficient and effective and fair weights and measures administration. The National Conference on Weights and Measures, in partnership with NIST, must explore the development and expansion of an electronic communications system and network for the purposes of:

communication between and among weights and measures officials, federal agencies, the public, businesses, trade and professional organizations, and others with a stake and interest in weights and measures information; and

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sharing of information and data nationally, locally and internationally on a real time basis.

Such data should include interpretations, compliance data (secure against unauthorized access), assistance to businesses on type evaluation, standards in development, and access to foreign standards development and U.S. standards assistance overseas.

Recommendation: To develop this issue, the NCWM will need to do the following:

- a. Identify the needs and priorities of internal and external customers such as local officials, local and national business entities, trade associations, federal agencies, and legislators.
- b. Identify the resources needed to establish this electronic network and communication system. These priorities include such things as personnel, finances, hardware, software, experts and expertise, existing databases.
- c. Identify the impact of this network and system on management, training, personnel, results, phase-in periods, fees and profits (if any), privacy, confidentiality, and other such issues.

MANAGEMENT:

Voting Rights in the Conference

The Task Force discussed whether it was necessary to modify the membership and voting status of the Conference. One of the concerns explored is that of the need to involve the consumer more in the Conference. However, the average consumer and consumer groups must be educated in basic measurements and the balance of government and business roles in trade before they can contribute to weights and measures standards development. State and local weights and measures officials represent the interests of the retail consumer in NCWM deliberations; this may not be the ideal solution, but it has seemed to work to this date. Education of members concerning this responsibility should preserve this role.

The Task Force debated the issue of whether other membership classes than active weights and measures officials should have a vote within the Conference. The industry representative stated that industry representatives wanted a vote within the Conference.

The standards developed by the Conference are intended to be adopted by State and local weights and measures jurisdictions. It has been the long-standing tradition that State and local government representatives needed the reassurance that the national standards developed by the Conference were the final decision of government officials like them, not of industry. The number of industry members exceeds the number of active weights and measures officials in the Conference; interim and annual meeting attendance is often heavily skewed toward industry representation. The trust developed over the years in the standards would be in jeopardy if industry were given the vote on the base standards developed by the Conference, for example, on Handbooks 44 or 130.

In fact, industry has several voices and votes within the Conference: they have voting rights in the sectors of the National Type Evaluation Technical Committee; these sectors develop type evaluation criteria and test procedures as reasonable interpretations of Handbook 44. As such, the final decisions concerning Handbook 44 and NTEP must funnel back through the S&T Committee or the Executive Committee acting as the NTEP Board of Governors, and ultimately to the voting membership. Industry also has the privilege of the floor before and during any committee or general voting session. Weights and measures agencies depend heavily on industry representatives for training, as well as issue and standards development (the new Scales Code and the concept of concentrated load capacity are two examples). The interrelationship and partnership of government and industry within the Conference is most effective and unusual in spite of industry not having a vote on the base standards. If industry representatives were considered for voting status, a balance with consumer interests would become necessary.

It was suggested by the industry representative on the Task Force that a single member be added to each committee; however, the weights and measures representatives expressed concern that no single industry representative could adequately represent the breadth of issues any committee discusses, for example, peat moss and food in L&R, metering and weighing in S&T.

Industry heavily influences any committee action; the need to develop a consensus demands that business interests be considered. It is Conference policy that business representatives be named to advise individual committees; this is the role that NTETC sectors play to both the S&T and Executive Committees. The Petroleum Subcommittee will have industry representation and will act in an advisory capacity to the L&R Committee. Business and industry representatives have provided contributions in drafting and editing the training modules. Business and industry are represented on the Liaison Committee. The Task Force anticipates as more working groups are formed within the Conference on specific issues, even greater industry and business participation will be sought.

Recommendation: The Task Force recommends that the voting membership in the conference remain with weights and measures officials. The issue of voting rights when more Federal agencies adopt Conference standards, as has the Federal Grain Inspection Service, the Packers and Stockyards Administration, and the Food Safety and Inspection Service of the U.S. Department of Agriculture, must be considered, however. Weights and measures officials would not relish veto powers given to the Federal agencies, but perhaps would be willing to explore Federal agency representatives having a vote equivalent to State and local government officials if the agency has shown the same commitment to adopt Conference standards.

Recommendation: The working groups established by the Conference should be selected from experts in any given field or issue; however, the Conference should strive to involve the expertise not only of industry (both device manufacturers and users), consumers groups, federal agency, and foreign government representatives, as well as regional weights and measures representation whenever possible.

To do this, the National Conference must:

- get more people with various expertise to the conference meetings and involved with and knowledgeable about weights and measures activities and mission;

- educate and empower working groups as to what they can do to achieve uniformity in requirements and methods of test; and delegate and authorize members to act for the Conference;

- develop educational programs for the members of the conference in areas not traditionally related to weights and measures such as legislation, technology, sampling, investigative techniques, auditing methods, and quality management;

- communicate with NIST management and Congress the importance of the technical management of issues and the role as clearinghouse and trainers that the NIST Office of Weights and Measures staff provide to the Conference, and that this resource needs additional financial support to properly provide the secretariat for the Conference;

- assist the staff of NIST through partnership efforts on specific projects by State, local government, and business representatives; and

- redesign the NCWM organizational chart to improve the operations of the Conference, to establish lines of responsibility and accountability, and to increase member participation in goal setting, planning, prioritization.

Quality Management

Quality and delivery of the best product or service desired by the customer will continue to be a major focus of business and government well into the 21st century. The Task Force explored the quality process and held a

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workshop on quality in weights and measures at the interim meeting. During this workshop, the approach used by Federal Express toward quality was discussed. Awareness was raised as to how local weights and measures officials can implement these approaches.

Recommendation: The Task Force recommends that the Conference, through its Education, Administration and Consumer Affairs Committee, find appropriate training which it could recommend to Conference members on quality management, and that quality management be incorporated in all existing and newly developed training modules.

The Task Force offers to appoint a member to work with the Education Committee to serve as a conduit for quality-related information and expertise.

To do this, the Education Committee should establish a quality work group to learn the principles of quality management, and develop best practices for weights and measures government and private sector use.

Quality is greatly impacted by teamwork and networking. The Conference should continue to address these issues through educational opportunities both nationally and regionally.

International Issues

Membership of the Conference includes business and industry concerns. The international nature of today's economy demands that U.S. businesses and industries have access to foreign markets. This requires a new partnership of U.S. government agencies with U.S. businesses to negotiate for harmonized requirements across national borders. The U.S.-Canada Free Trade Agreement is being expanded to include Mexico. U.S. weights and measures standards are somewhat less restrictive than European standards and may be more palatable to Western Hemisphere nations. If American weights and measures standards can be developed that represent the needs of North, Central, and South American nations, American philosophies could be more persuasive within such international standards development bodies such as the International Organization of Legal Metrology.

Recommendation: The National Conference on Weights and Measures in partnership with NIST must proactively position itself to be the leadership organization for the United States on international weights and measures issues. The NCWM should work to do what's needed to structure the organization and to act in order to accomplish this.

To do this the NCWM must:

- bring its mission statement and organizational documents in line with the international objectives of the nation;

- develop harmonized requirements across Federal, State and local jurisdictional boundaries;

- develop plans for international reciprocity in test methods and type evaluation certificate recognition;

- incorporate education on international issues for internal and external members and organizations;

- act on these issues immediately because of the needs of our economy and its dependence on the success of private capitalists; and

- establish the secretariat of the NCWM (NIST) as an center for weights and measures information and resources to the national and international weights and measures communities.

Conclusions

The most pressing need at this time is to determine the limits of privatizing weights and measures service and regulation. There is a strong perception that weights and measures is only a measurement service, that of device

testing in order to determine if the device needs maintenance or repair. Our public leaders and businesses often do not grasp the regulatory aspects of weights and measures, that of providing a level playing field, a fair marketplace in which honest businesses can make a profit honestly, and in which consumers can buy a product or service by the amount that they are led to believe they are buying. In the sense that this government regulatory function is a service to the public, weights and measures is still a "service." The testing and repair of 100% of the population of devices in any jurisdiction can indeed be turned over to the private sector, but government must still monitor the honesty of businesses trading with the public and other businesses by weight or measures, and must then add monitoring of the private service agencies that do the majority of testing devices. The Task Force suspects that this will require more resources rather than less, with better trained government officials, with more sophisticated equipment to properly control the marketplace and keep it a fair and equitable environment for trade.

Recommendation: The Task Force believes that it should shift its focus from planning to an in-depth exploration of the issue of privatization. If the Conference does not immediately begin to define the limits of privatization, there will be fewer weights and measures regulatory programs in the future for which to plan!

The Task Force should also continue to explore and review the impact of the following on weights and measures:

- Electronic marketplace (television and telephone sales); mail order sales by weight or measure
- Environmental issues (charging the consumer for the weight of garbage; labeling of "recyclability")
- Demographics and cultural diversity (english as a second language for a large proportion of our citizens)
- Consumer education and involvement (education in measurement, as well as education as to how a consumer can protect him or herself)
- Certification/training of weights and measures (both public and private sector)
- Metric education and understanding/use

Submitted by:

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