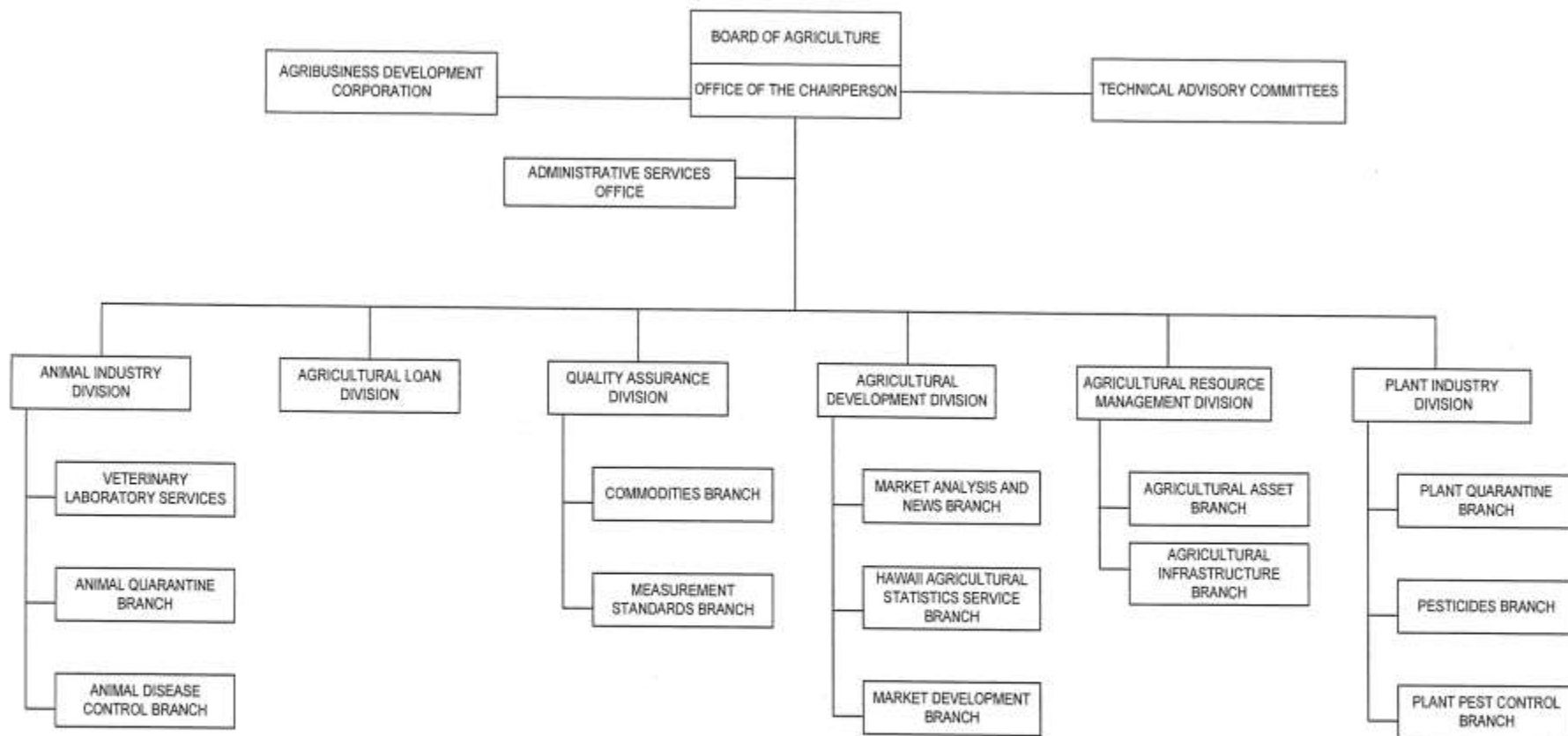


# ASIA-PACIFIC LEGAL METROLOGY FORUM

## 2015 CONFERENCE

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Quality Assurance Division  
Hawaii Department of Agriculture





# MEASUREMENT STANDARDS BRANCH

- Work to protect consumers, businesses, and manufacturers from unfair practices, which are based on a measurement process or subject to a standard of quality
- Minimize losses and inaccuracies due to incorrect or fraudulent commercial measuring equipment, processes, or substandard products.

# REGULATORY AUTHORITY

- Chapter 486, Hawaii Revised Statutes
  - Provides authority to promulgate administrative rules
  - Provides power to investigate complaints, empower to subpoena witnesses, examine them under oath, and required the production of books, papers, documents, record or objects relevant to the inquiry
  - Provides powers and duties to the Administrator to enforce the Hawaii Administrative Rules and administer the Branch

# REGULATORY AUTHORITY

- Hawaii Administrative Rules
  - Chapter 4-86, Brake Fluids, Coolants, Petroleum Products, and After-Market Additives
  - Chapter 4-87, Voluntary Registration of Service Persons or Service Agencies
  - Chapter 4-89, Measuremasters
  - Chapter 4-91, Unit Pricing of Consumer Commodities
  - Chapter 4-93, Packaging and Labeling
  - Chapter 4-94, Method of Sale of Commodities
  - Chapter 4-96, Schedule and Fees for Licensing Devices Susceptible of Commercial Usage and Measuring Devices and Measurement Standards for Testing or Certification
  - Chapter 4-101, Weighing and Measuring Devices

# REGULATORY AUTHORITY

- Adopted NIST Handbook 44, Specification, Tolerances and Other Technical Requirements for Weighing and Measuring Devices
- Adopted NIST Handbook 130, Uniform Laws and Regulations for Method of Sale of Commodities
- Utilize procedures set forth in NIST Handbook 133 Checking of Net Contents of Packaged Goods

# STANDARDS AND TECHNICAL SERVICES

- Assures that the State measurement standards conform to national standards.
- Performs traceable metrological calibration on mass and volume standards for the enforcement standards used by the Branch and the field standards used by Registered Service Agency personnel in the repair, calibration, or placing into service commercial devices.

# STANDARDS AND TECHNICAL SERVICES

## NIST Laboratory Recognition

- Measurement assurance on making accurate measurements
- Control Charts for all measurement parameters on scope
- Quality Manual for Laboratory
- Standard Operating Procedures
- Laboratory Calibration Procedures
- Technical Audits of all Laboratory Activities
- Proficiency Tests and assessment for calibrations on scope
- Uncertainties for all calibrations on scope
- Software Verification and Validation
- Compliance to ISO 17025 standard assessment
- Laboratory environmental controls
- Metrologist training summary with completion of LAP problems
- Annual Management Review
- Annual WRAP attendance and training
- Traceable standards to NIST standard
- Document Control Log
- Showing continuous Laboratory improvement
- Annual submission between Oct 1 and Nov 1



# STANDARDS AND TECHNICAL SERVICES

- Metrology laboratory is NIST recognized but not accredited by National Voluntary Laboratory Accreditation Program (NVLAP) or American Association for Laboratory Accreditation (A2LA)



# STANDARDS AND TRADE PRACTICES ENFORCEMENT SECTION

- Responsible in assuring the consumer and businesses that transactions involving measuring instruments, labeling, content of packaged commodities, and pricing are accurate and fair to all parties.
- Weighing or measuring devices shall have had its type evaluated and certified by an approved NTEP laboratory in accordance with the requirements of NIST Handbook 44 and issued a Certificate of Conformance

# STANDARDS AND TRADE PRACTICES ENFORCEMENT SECTION

- All weighing and measuring devices shall be currently registered and licensed by the State
- Licenses are valid for one year, and license fees must be paid annually

# REGISTERED SERVICE AGENCIES

- A person, who for consideration or payment of any kind, alters the state of any component of a measure or measurement standard or its performance
- Each service person may apply for registration and when fully executed, shall entitle the applicant to demonstrate knowledge and ability regarding the measure and laws governing the measure
- Each service person is issued a Certificate of Registration upon satisfactory demonstration of qualifying ability, technical competence and thorough knowledge of applicable legal requirements
- Annual registration fee is required

# REGISTERED SERVICE AGENCIES

- Registered service person may place into service devices, or remove an official State rejection tag and return the device into service when correction is completed
- Apply a seal, supplied by the State to indicate the date device is placed back into service
- Each Registered Service Person shall submit a Placed-In-Service Report to the State for each device that has been placed into service within 72 hours of installation or return of the device into service

# REGISTERED SERVICE AGENCIES

- The department may periodically check the effectiveness of the Registered Service Person by follow-up investigations and tests in accordance with the applicable specifications, tolerances, and other technical requirements
- The State may suspend or revoke a Registered Service Person's Certificate of Registration privileges when it is determined that the actions by the Registered Service Person is contrary to requirements specified in Chapter 4-87.1 Hawaii Administrative Rules

# ENFORCEMENT ACTIONS

- May issue citations, stop-sale, or stop-use orders when a measure, measurement standard, packages or consumer commodities, when found to be in violation with the Hawaii Revised Statutes or Hawaii Administrative Rules
- Criminal offense for possession of device has been altered to facilitate fraud, counterfeit



# ENFORCEMENT ACTIONS

- Criminal offense for possession of device has been altered to facilitate fraud, counterfeit
- Civil offense for use or possession an incorrect device, measure or measurement standard, for not more than \$2,000 for each separate offense
  - Sell or offer to expose for sale, less than the quantity represents
  - Fail to submit a weighing or measuring device for inspection at a time and place specified
  - Violate any provision the law or rule
- May apply for a temporary or permanent injunction restraining a person from violating any provision of the law or rule

**MAHALO NUI LOA!**

