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STATE OF MICHIGAN



**Commission of Agriculture**

Douglas E. Darling  
James E. Maitland  
Shirley A. Skogman  
Deanna Stamp  
Jordan B. Tatter

JOHN ENGLER, Governor

**DEPARTMENT OF AGRICULTURE**

P.O. BOX 30017 • LANSING, MICHIGAN 48909  
611 W. OTTAWA • LANSING, MICHIGAN 48933  
DAN WYANT, Director

DEPT. OF TRANSPORTATION  
DOCKETS

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**ORIGINAL**

March 20, 2000

Docket Clerk  
U.S. DOT Dockets  
Room P1-401  
400 Seventh St., SW.  
Washington, D.C. 20590-0001

To Whom It May Concern:

Please include into the record the enclosed comments regarding Docket No. FHWA-1997-2979-52 as my written testimony supporting the current regulation requiring the use of certified scales for independent shippers by the moving and storage industry.

If you have any questions, or if I can be of further assistance in explaining the benefits to the independent shipper by requiring the use of certified scales, please feel free to contact me at 517/655-8202 ext. 301.

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Pinagel".

Michael S. Pinagel, Program Manager  
Weights and Measures Unit  
Laboratory Division

MSP:lb  
Enclosure



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**Docket No. FHWA-1997-2979**

**Written Testimony of  
Michael S. Pinagel  
Program Manager, Weights & Measures Unit  
Michigan Department of Agriculture  
Laboratory Division  
940 Venture Lane  
Williamston, Michigan  
517/644-8202 ext. 301**

The State of Michigan, Weights and Measures Program is responsible for ensuring that a level playing field exists in all areas where goods, services, and charges, etc. are determined on the basis of weight, measure, or count. This responsibility includes monitoring the devices used for commercial purposes. As such, Michigan adopts the requirements contained in the National Institute for Standards and Technology (NIST) Handbook 44, by reference in P.A. 283 of 1964, as amended, the Weights and Measures Act. Michigan also requires that commercial weighing devices be issued a Certificate of Conformance by the National Type Evaluation Program (NTEP).

Current FHWA rules require the use of a "certified" scale to determine shipping charges based upon-weight. This is in coincidence with Michigan's requirements. Allowing the use of non-certified scales would remove any customer protection afforded by the state's weights and measures program, and would place the shipper at the mercy of the device user.

Michigan would not object to the non-commercial use of non-certified scales, provided that they are clearly marked "Not Legal For Trade" and could thus be used for estimates only. Otherwise, Michigan's Weights and Measures Program strongly supports maintaining the "certified scale" requirement for commercial sales.

