

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—[Weights and Measures] Weights, Measures and Consumer Protection
Chapter 23—Inspection of Packaged Commodities

PROPOSED AMENDMENT

2 CSR 90-23.010 NIST Handbook 133, Technical Procedures and Methods for Measuring and Inspecting Packages or Amounts of Commodities. The director is amending section 1, deleting section 2 and making non-substantial changes to the division name.

PURPOSE: The amendments to this rule are to reference the current NIST Handbook 133-2018 Edition and makes a non-substantive change to update division name.

SUMMARY: NIST Handbook 133 provides procedures to test (by using statistical sampling techniques) individual lots of packages for conformance with legal requirements. Anything that is put into a container, wrapped, or banded and labeled as to quantity may be inspected. The labeled quantity may be of weight, volume, linear, square or cubic measure, count or combination. The examination of packaged commodities may be to determine conformance with federal, state or local net contents labeling regulations. Most often, compliance testing of packaged goods is carried out to protect the consumer/purchaser against buying packages with less in them than the labeled quantity and to advise the manufacturer to improve delivered product quantities when necessary. Inspection for compliance with other labeling requirements (such as size of lettering or units of measurement) also may accompany package quantity compliance testing, but is not covered in this document.

*(1) The technical procedures and methods used by the Division of Weights[and Measures], **Measures and Consumer Protection** for measuring and inspecting packages or amounts of commodities kept, offered, exposed for sale, sold or in the process of delivery, shall be those procedures and methods described and specified in the *National Institute of Standards and Technology (NIST) Handbook 133, Checking the Net Contents of Packaged Goods, [Fourth Edition (January 2005)] 2018 Edition*, as incorporated by reference in this rule. *NIST Handbook 133, [2005] 2018 Edition*, is published by the Superintendent of Documents, U.S. Government Printing Office[, *December 2004*]. A copy of this material can be obtained [from the U.S. Government Printing Office, Stop SSPO, Washington, DC 20402-0001[, *Internet: <http://bookstore.gpo.gov>, Phone: (202) 512-1800, Fax: (202) 512-2104.*] **free of charge online at NIST.gov or a hard copy may be obtained from the National Conference of Weights and Measures at NCWM.net.** This regulation does not include any later amendments or additions to NIST Handbook 133.*

[(2) The director of the Department of Agriculture or a designated subordinate shall amend this rule as each new addition, amendment or revision of Handbook 133 is published and becomes available. Should any portion of Handbook 133 be deemed unacceptable, rules will be promulgated within this chapter denoting and excepting those portions and adopting alternative provisions as deemed necessary by the director of the Department of Agriculture.]

AUTHORITY: section 413.065, RSMo Supp. 2005. Original rule filed Sept. 14, 1981, effective Dec. 15, 1981. Amended: Filed Sept. 12, 2002, effective March 30, 2003. Amended: Filed Dec. 15, 2005, effective June 30, 2006.*

**Original authority: 413.065, RSMo 1983, amended 1993, 1994, 1995, 2002.*

PUBLIC COST: The proposed amendment will not cost public entities more than five hundred (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to these proposed amendments with Mr. Ronald G. Hayes, Division Director, Weights, Measures and Consumer Protection Division, P.O. Box 630, Jefferson City, MO 65102 or online at Agriculture.MO.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*