

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

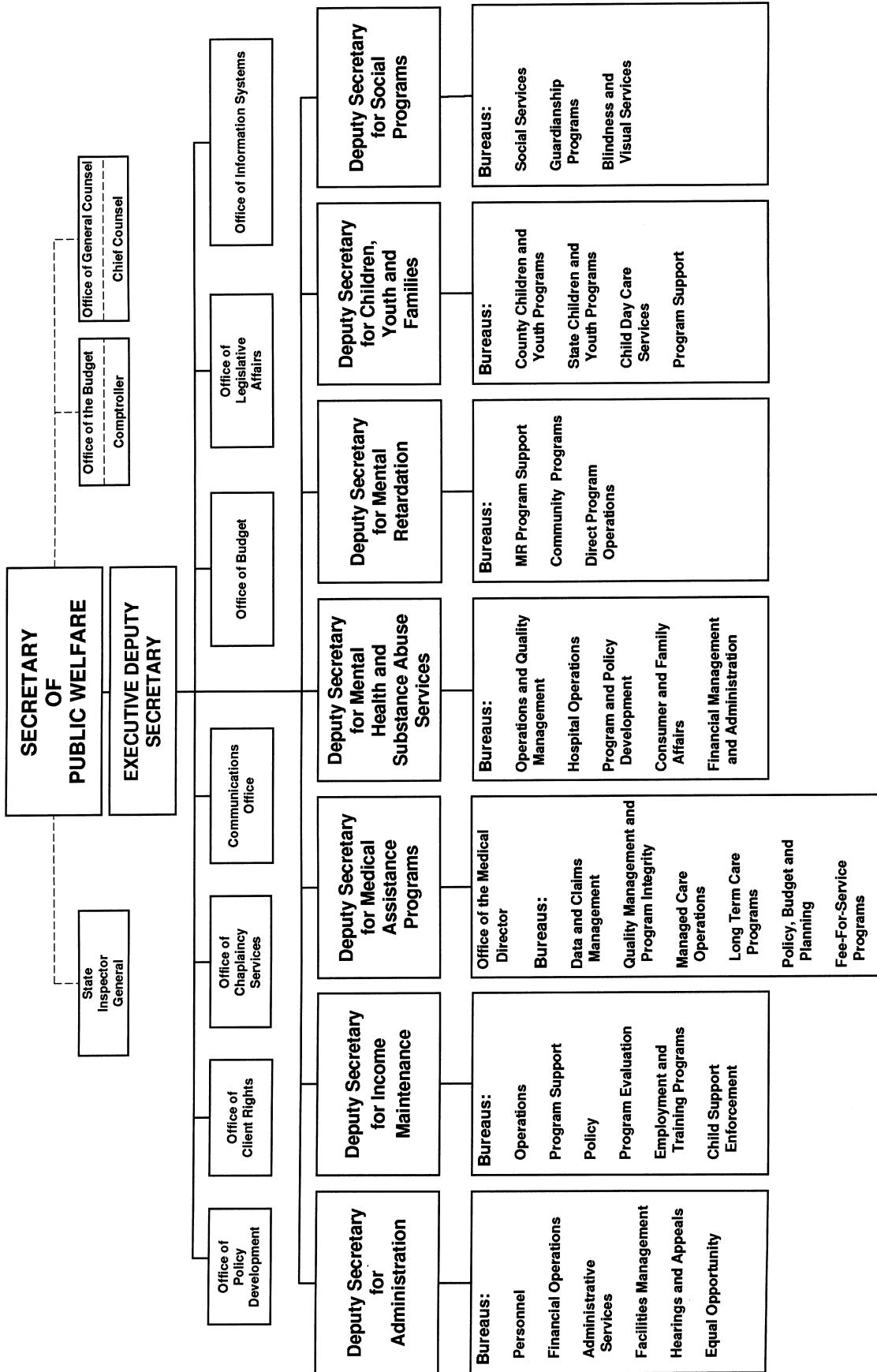
The Executive Board approved a reorganization of the Department of Public Welfare effective May 1, 1998.

The organization chart at 28 Pa.B. 2415 (May 23, 1998) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 98-813. Filed for public inspection May 22, 1998, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE



Title 70—WEIGHTS, MEASURES AND STANDARDS

DEPARTMENT OF AGRICULTURE

[70 PA. CODE CH. 39]

Certification of Inspectors of Commercially Used Universal Product Code Scanning Systems and Price Look-Up Devices

The Department of Agriculture (Department) gives notice of the interim guidelines for the certification of inspectors of commercially used universal product code (UPC) scanning systems and price look-up (PLU) devices under 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act) (act).

Authority

These interim guidelines are authorized under section 4112(d) of the act (relating to general testing and inspections), which grants the Department the power and authority to promulgate, adopt and use guidelines to provide for the certification of individuals to test and inspect all commercially used UPC scanning systems and PLU devices in this Commonwealth. Guidelines published under this section of the act are not subject to review under section 205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1205); sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(b)) or the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Need for the Statement of Policy

These interim guidelines are required by section 4112(d) of the act. In addition, there is a compelling public need to establish uniform minimum training, competency and enforcement requirements for those persons who inspect commercially used UPC scanning systems and PLU devices throughout this Commonwealth. These interim guidelines will allow the Department to move forward to meet its statutory obligation to see that all of the commercially used UPC scanning systems and PLU devices in this Commonwealth are inspected by June 30, 1999, and within every 12-month period thereafter. This will also facilitate the development of a new industry: the private certification programs described in section 4112(c) of the act. The interim guidelines also meet the other relevant regulatory criteria described in Executive Order 1996-1, "Regulatory Review and Promulgation."

Background

UPC scanning systems and PLU devices comprise the bar code scanner technology that consumers typically encounter in their shopping. In summary, the technology allows a store to maintain a computerized database of each item in its inventory and its corresponding price. When a consumer purchases an item from that inventory, a code number is scanned or manually entered into the system and the resulting sales receipt reflects the item and its corresponding price.

The act makes it the responsibility of the Department to inspect all commercially used weights and measures on an annual basis. Although UPC scanning systems and PLU devices do not actually weigh or measure, they are designated weights and measures under the act and the Department is required to inspect them. The act requires

the Department inspect every commercially used UPC scanning system and PLU device by June 30, 1999, and thereafter at intervals of no greater than 12 months.

The Department may conduct the required UPC scanning system/PLU device inspections or delegate responsibility to a city or county under a memorandum of understanding. In addition, a UPC scanning system or PLU device is exempt from the requirement of annual inspection if it is inspected at least once annually on an unannounced basis by a private certification program which conforms with the examination procedure for price verification adopted by the National Conference of Weights and Measures (NCWM).

This "Examination Procedure for Price Verification" is published in NCWM Publication No. 19 (August 1995).

Section 4112(d) of the act requires the Department's interim guidelines establish standards under which persons can be certified as competent to conduct inspections of UPC scanning systems and PLU devices. There are courses of instruction available with respect to NCWM's Examination Procedure for Price Verification. The Examination Procedure for Price Verification presents a detailed, step-by-step approach to the inspection and testing of UPC scanning systems and PLU devices. Pre-inspection procedures, inspection and sampling procedures, documentation protocols, accuracy requirements and enforcement/compliance procedures are among the topics covered in that document. On balance, the Department is satisfied that a person who has successfully completed a course of instruction in NCWM's Procedure for Price Verification is qualified to inspect any commercially used UPC scanning system or PLU device in the Commonwealth.

These interim guidelines require a person who seeks to inspect commercially used UPC scanning systems or PLU devices under section 4112(b) of the act to successfully complete a course of instruction in NCWM's Examination Procedure for Price Verification, apply to the Department and obtain a certificate from the Department prior to conducting any such inspection. This requirement applies to any inspector, whether an employe of the Department, a city or county sealer intending to conduct inspections under a memorandum of understanding with the Department or a person seeking to conduct inspections for a private certification program.

A person who receives a certificate from the Department in accordance with these interim guidelines will be known as a certified UPC/PLU inspector. This term is intended to distinguish a certified UPC/PLU inspector from the certified examiners of weights and measures referenced in sections 4110(a)(4) and 4112(b) of the act.

The interim guidelines also require a private certification program to register with the Department and identify those certified UPC/PLU inspectors who will be performing inspections on the private certification program's behalf. Although the Department does not certify, review or approve private certification programs it believes this registration requirement is a reasonable measure by which to verify that private certification programs are using qualified persons to conduct inspections of UPC scanning systems and PLU devices and to provide businesses which seek to engage private certification programs to inspect UPC scanning systems and PLU devices a list of these programs.

The interim guidelines allow a private certification program to be a for-profit business, and also allow an employe of a company to inspect that company's UPC

scanning systems and PLU devices. The Department, and a number of persons who have assisted in the drafting of the forthcoming regulations, have some concerns regarding self-inspection or inspections conducted by for-profit entities. The Department will monitor private certification program inspections conducted under these interim guidelines and consider whether self-inspection or for-profit inspections should be allowed in the forthcoming regulations. The interim guidelines require a certified UPC/PLU inspector to submit a price verification inspection report form to the Department with respect to each inspection it conducts. This will allow the Department to monitor the number and quality of self-inspections and for-profit inspections conducted by private certification programs under these interim guidelines.

Persons Likely to be Affected

These interim guidelines will affect the three basic groups which will conduct inspections of UPC scanning systems and PLU devices under section 4112(c) of the act: 1) inspectors employed by the Department; 2) city or county sealers conducting inspections of UPC scanning systems and PLU devices under a memorandum of understanding with the Department; and 3) persons conducting inspections on behalf of private certification programs. Persons in each of these groups will have to obtain the required training and be designated a certified UPC/PLU inspector by the Department. Although the application and certification process is without charge, there may be slight costs involved in obtaining the required training in NCWM's Examination Procedure for Price Verification.

Consumers will be the ultimate beneficiaries of these interim guidelines. These interim guidelines will allow the Department and private industry to field a group of inspectors who have demonstrated competence to perform inspections of UPC scanning systems and PLU devices, and who apply a uniform approach to enforcement. The implementation of these annual inspections should result in greater accuracy and fewer errors with respect to merchandise pricing.

Fiscal Impact

Commonwealth

The statement of policy will impose costs and have a fiscal impact upon the Commonwealth. It is expected the Department will require one additional staff person to process the paperwork required under this statement of policy. The initial cost of this employe is estimated to be \$30,000 in the first year, increasing by \$1,000 each year thereafter.

Political Subdivisions

The statement of policy will impose no costs and have no fiscal impact upon political subdivisions. The Department will offer the initial training required under this statement of policy free or at cost to city or county sealers who propose to inspect UPC scanning systems and PLU devices under a memorandum of understanding with the Department.

Private Sector

The statement of policy will impose no costs and have no appreciable fiscal impact upon the private sector, other than the cost of training a person who wishes to inspect UPC scanning systems and PLU devices as part of a private certification program in NCWM's Examination Procedure for Price Verification.

General Public

The statement of policy will impose no costs and have no fiscal impact upon the general public. Although the interim guidelines should ultimately result in fewer overcharges to consumers, the fiscal impact of the change is not readily measurable.

Paperwork Requirements

The statement of policy will result in the Department having to process applications from certified UPC/PLU inspector candidates and register private certification programs. This increase in paperwork is expected to create the need for a full-time employe within the Department.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Ride and Measurement Standards, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Charles Bruckner, Director, (717) 787-9089.

Sunset/Expiration Date

In accordance with section 4112(d) of the act, these interim guidelines shall be effective for no more than 2 years, and will be replaced by regulations.

Effective Date

These interim guidelines will take effect upon publication in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, Jr.,
Secretary

(Editor's Note: The regulations of the Department of Agriculture, 7 Pa. Code, are amended by adding §§ 39.1—39.20 to read as set forth in Annex A.)

Fiscal Note: 2-121. (1) General Fund; (2) Implementing Year 1998-99 is \$30,000; (3) 1st Succeeding Year 1999-00 is \$31,000; 2nd Succeeding Year 2000-01 is \$32,000; 3rd Succeeding Year 2001-02 is \$33,000; 4th Succeeding Year 2002-03 is \$34,000; 5th Succeeding Year 2003-04 is \$35,000; (4) Fiscal Year \$N/A; Fiscal Year \$N/A; Fiscal Year \$N/A; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 70. WEIGHTS, MEASURES AND STANDARDS

PART III. INSPECTION AND DEVICES

CHAPTER 39. INTERIM GUIDELINES FOR THE CERTIFICATION OF INSPECTORS OF COMMERCIALLY USED UNIVERSAL PRODUCT CODE SCANNING SYSTEMS AND PRICE LOOK UP DEVICES—STATEMENT OF POLICY

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§ 39.1. Purpose.

Section 4112(c) of the act (relating to general testing and inspections) requires the inspection of all commercially used UPC scanning systems and PLU devices within this Commonwealth by June 30, 1999, and thereafter at intervals of no greater than 12 months. It is the purpose of this chapter to accomplish the following:

- (1) Establish the Department's specifications, tolerances and procedures with respect to the inspection of UPC scanning systems and PLU devices.
- (2) Identify the minimum level of training necessary for a person to be qualified to inspect UPC scanning systems and PLU devices.
- (3) Establish a procedure by which a person can apply to the Department to become a certified UPC/PLU inspector.
- (4) Prescribe a procedure pursuant to which the Department can review inspections performed by certain certified UPC/PLU inspectors and revoke or suspend certification.
- (5) Establish minimum requirements for the "private certification programs" referenced in section 4112(c) of the act.
- (6) Otherwise comply with of section 4112(d) of the act.

§ 39.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Consolidated Weights and Measures Act, 3 Pa.C.S. §§ 4101—4194.

Bureau—The Bureau of Ride and Measurement Standards in the Department.

Certified UPC/PLU inspector—A person who is certified by the Department as meeting the training and application requirements of this chapter and who is lawfully qualified to inspect UPC scanning systems and PLU devices for purposes of the testing and inspections required under section 4112(c) of the act (relating to general testing and inspections).

Department—The Department of Agriculture of the Commonwealth.

NCWM—The National Conference on Weights and Measures.

NIST—The National Institute of Standards and Technology.

Person—A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

PLU—Price look-up—A pricing system where numbers are assigned to items or commodities, and the price is stored in a database for recall when the numbers are manually entered. Price look-up codes are used with scales, cash registers and point-of-sale systems.

PLU or Price look-up device—A device that can access a database price file. The term includes bar code beam or contact scanners, Optical Character Recognition (OCR) scanners or readers, magnetic scanners or readers, alpha or numeric keyboards, voice response systems and computer-based retail price retrieval systems.

Private certification program—A program under which a certified UPC/PLU inspector inspects a commercially used UPC scanning system or PLU device at least annually on an unannounced basis, and which otherwise conforms with section 4112(c) of the act and this chapter.

Scanning system—A general term for any of the several types of price look-up technologies capable of communicating with a database price file or retail price retrieval system. The term includes hardware, software and supporting computer systems.

Secretary—The Secretary of the Department.

State inspector or inspector—A State inspector of weights and measures.

UPC—universal product code—A general term for any of several types of bar code symbology. The term may refer to various versions of symbology developed by the Uniform Code Council, including UPC versions A or E of the Uniform Code Council: Codes 2 of 5, 3 of 9, 128 or any others available now or in the future.

UPC scanning system—A universal product code scanning system.

UPC/PLU inspector's certificate—A document issued by the Department to a particular person to evidence that the named individual has successfully completed the training necessary for the person to be qualified to inspect UPC scanning systems and PLU devices for purposes of section 4112(c) of the act.

§ 39.3. Requirement of annual testing and inspection.

(a) *General requirement.* The Department will, by June 30, 1999, and within every 12-month period thereafter, inspect and test each commercially used UPC scanning system and PLU device in this Commonwealth to ascertain if it is correct, unless the system or device is inspected by a city or county sealer, as described in subsection (b), or the system or device is exempt from inspection, as described in subsection (c).

(b) *Delegation of inspection responsibilities.* The Department may assign responsibility for conducting the testing and inspections described in subsection (a) to a city or county by a memorandum of understanding between the Department and the city or county entered into in accordance with section 4125 of the act (relating to division of responsibilities).

(c) *Exemption for UPC scanning systems and PLU devices inspected by a private certification program.* A commercially used UPC scanning system or PLU device shall be exempt from the annual testing and inspection described in subsection (a) if the following occur:

- (1) The system or device is inspected at intervals of no greater than 1 year.
- (2) The inspection is unannounced.
- (3) The inspection is conducted as part of a private certification program.
- (4) The private certification program has registered with the Department in accordance with § 39.18 (relating to private certification programs: registration).
- (5) The certified UPC/PLU inspector conducting the inspection on behalf of the private certification program files a price verification inspection report with the Department in accordance with the procedure described at § 39.13 (relating to inspections: reporting procedures).

§ 39.4. Testing and inspection standards.

(a) *Standards.* The *Examination Procedure for Price Verification* adopted by NCWM in Publication No. 19 (August 1995), or a subsequent amendment thereof, are adopted as the interim specifications and tolerances of the Department with respect to commercially used UPC scanning systems and PLU devices.

EXAMPLE: A certified UPC/PLU inspector shall evaluate "errors" and the "accuracy" of UPC scanning systems and PLU devices in accordance with the "Examination Procedure for Price Verification" set forth in NCWM Publication No. 19 (August 1995), which requires that a UPC scanning system or PLU device have an accuracy rate of 98% or higher to "pass" an inspection.

EXAMPLE: A certified UPC/PLU inspector shall verify the price of sale items by allowing the sales clerk to determine the price of the item using the store's customary procedures, including manually entering discounts, in accordance with Paragraph 7.3, Note 3, of the "Examination Procedure for Price Verification" set forth in NCWM Publication No. 19 (August 1995).

(b) *Applicability.* The standards described in subsection (a) will be used by any person conducting testing and inspection of a commercially used UPC scanning system or PLU device in the capacity of a certified UPC/PLU inspector under section 4112(c) of the act (relating to general testing and inspections).

§ 39.5. Certified UPC/PLU inspector.

A person shall be a certified PLU/UPC inspector to conduct an inspection of a commercially used UPC scanning system or PLU device described in section 4112 of the act (relating to general testing and inspections), regardless of whether the inspection is performed by a State inspector, an employe of a city or county acting in accordance with a memorandum of understanding entered into with the Department or a person acting as part of a private certification program. A person may apply to the Department to become a certified UPC/PLU inspector for purposes of section 4112 of the act and this chapter.

§ 39.6. Authority of a certified UPC/PLU inspector.

(a) *General.* A certified UPC/PLU inspector is qualified to perform the annual testing and inspection of any commercially used UPC scanning system or PLU device which is required under section 4112 of the act (relating to general testing and inspections).

(b) *Limitation on authority.* A certified UPC/PLU inspector may exercise authority only in one of the following contexts:

(1) The certified UPC/PLU inspector is a State inspector of weights and measures.

(2) The certified UPC/PLU inspector is an employe of a city or county, and is acting in accordance with a memorandum of understanding entered into with the Department in accordance with section 4125 of the act (relating to division of responsibilities).

(3) The certified UPC/PLU inspector is acting as part of a private certification program.

(c) *Fees.* A certified UPC/PLU inspector may not charge a fee for inspection and testing services, unless that person is acting as part of a private certification program.

§ 39.7. Certification requirements.

A person seeking to become a certified UPC/PLU inspector shall do the following:

(1) Successfully complete a training course in examination procedures for price verification as adopted by NIST/NCWM, and as described in § 39.8 (relating to training courses).

(2) Comply with the application requirements and other requirements of this chapter.

§ 39.8. Training courses.

(a) *General approval of NIST/NCWM training courses.* The Department approves any NIST/NCWM price verification training course utilizing the *Examination Procedure for Price Verification* in NCWM Publication No. 19 (August 1995), or a subsequent successor publication thereto, as an approved training course for certified UPC/PLU inspector candidates.

(b) *Current approved NIST/NCWM training courses.* The current approved NIST/NCWM training courses are the "NIST/NCWM Price Verification Training" course and the "NIST/NCWM Price Verification Instructor's Training" course. An approved training course may be conducted by any person who has successfully completed the NIST/NCWM Price Verification Instructor's training course.

(c) *New or additional training courses.* The Department will update or revise the list of approved NIST/NCWM training courses in subsection (b) by publishing notice describing this update or revision in the *Pennsylvania Bulletin*.

(d) *Effect of addition of a course to list of approved courses.* If the Department approves a new or additional training course for certified UPC/PLU inspector candidates, a person who has successfully completed that course within 2 years prior to its approval will be deemed to have completed an approved course.

§ 39.9. Applying for certification.

(a) *Application required.* A person who has successfully completed an approved training course (as described in § 39.8 (relating to training courses)) within 2 years of the date of application may apply to be certified as a UPC/PLU inspector. Certification is granted through issuance of the certificate described in § 39.10 (relating to certificate).

(b) *Form of application.* A person seeking to become a certified UPC/PLU inspector may obtain an application form from the Department at the address in § 39.20 (relating to contacting the Department). The applicant shall complete the form and return it to that address. The application form requires the following information:

(1) The name and mailing address of the person seeking a certificate.

(2) Whether the applicant seeks to conduct UPC/PLU inspections as a State inspector of weights and measures, an employe of a city or county acting in accordance with a memorandum of understanding with the Department or as part of a private certification program.

(3) The name, location and date of completion of any approved training course completed by the person seeking a certificate.

(4) A copy of any certificate of completion with respect to the approved training course.

(5) Two identical 1-inch square color photographs (front facial view) of the person seeking a certificate.

(6) The date of the application.

(7) Other information the Department might reasonably require.

(c) *Departmental action on application.* The Department will, within 30 days of receiving an application, mail the applicant a certificate, a disapproval notice or a request for additional clarification or documentation.

§ 39.10. Certificate.

(a) *Form of certificate.* The Department will format the certificate into an identification card sized document, so it may be carried conveniently on a certified UPC/PLU inspector's person while performing inspections or tests under authority of that certificate.

(b) *Contents of certificate.* A certificate will bear the following information:

(1) The name of the person to whom it is issued.

(2) The expiration date of the certificate, which, in accordance with § 39.11 (relating to expiration of certificate), shall be 3 years from the date of issuance

(3) A unique identification number.

(4) A photograph of the person to whom it is issued.

(5) A statement that the Department has determined the person identified on the certificate to be a "certified UPC/PLU inspector" in accordance with section 4112 of the act (relating to general testing and inspections).

(6) Other information the Department might reasonably include.

(c) *Ownership of certificate.* A certificate issued by the Department will remain the property of the Department. A certified UPC/PLU inspector or other person having physical possession of a certificate shall, upon written notice from the Department, surrender and return the certificate to the Department.

(d) *Obligation to produce certificate for inspection.* A certified UPC/PLU inspector shall have his certificate with him whenever performing inspections or tests under authority of that certificate, and shall produce the certificate for inspection upon demand by the Department or any person on whose behalf the certified UPC/PLU inspector is performing the inspection or test.

§ 39.11. Expiration of certificate.

A certificate will expire no greater than 3 years from the date it is issued.

§ 39.12. Obtaining a new certificate.

(a) *No renewals: new certificate required.* The Department will not renew a certificate or extend the expiration date of a certificate. A person shall, instead, apply for and obtain a new certificate in accordance with § 39.9 (relating to applying for certification) to remain a certified UPC/PLU inspector.

(b) *Training course.* A person who is applying for certification shall have successfully completed an approved training course as described in § 39.8 (relating to training courses) within 2 years of the date of the application form.

(c) *Timing of application.* A person may apply for certification at any time. A current certified UPC/PLU inspector who seeks to avoid any lapse in certification is encouraged to apply for certification at least 60 days in advance of the expiration date of the inspector's current certificate.

§ 39.13. Inspections: reporting procedures.

(a) *Inspection report form required.* A certified UPC/PLU inspector shall prepare and submit to the Bureau a price verification inspection report form with respect to any inspection the certified UPC/PLU inspector conducts. A copy of this price verification inspection form is set forth in Appendix A (relating to model form—price verification report). The form is substantively identical to the *Appendix A Model Form—Price Verification Report* form in NCWM's Examination Procedure for Price Verification.

(b) *Acquiring forms.* The Department will provide a sample price verification inspection report form upon the request of a certified UPC/PLU inspector. This sample form may be copied at the certified UPC/PLU inspector's expense.

(c) *Distribution of forms.* A completed price verification inspection report form shall be distributed as follows:

(1) The certified UPC/PLU inspector shall distribute the original of this form to the owner of the systems and devices inspected, or to a responsible person at the site where the inspection occurred.

(2) The certified UPC/PLU inspector shall forward a copy of this form to the Department by mailing or delivering it to the Department by the 10th day of the month immediately following the month the inspection was conducted. Delivery may be accomplished by electronic means such as modem transmission/E-mail or facsimile transmission (Fax) machine. If delivery is accomplished by Fax machine, the certified UPC/PLU inspector shall retain the transmittal receipt as proof of compliance with this requirement.

(3) The certified UPC/PLU inspector shall retain a copy of this form and any transmittal receipt evidencing delivery of the form to the Department for at least 3 years from the date the testing and inspection services are performed.

§ 39.14. Inspections: enforcement levels.

The *Model Enforcement Levels* in section 11.2 of the NCWM's Examination Procedure for Price Verification are adopted as the interim enforcement levels to be applied by the Department and certified UPC/PLU inspectors.

§ 39.15. Inspection and testing by the Department.

(a) *Inspections generally.* The Department may evaluate the performance of a certified UPC/PLU inspector who conducts inspections for a private certification program by conducting a follow-up inspection of any UPC scanning system or PLU device that has been inspected and tested by the certified UPC/PLU inspector.

(b) *Time lapse and other factors effecting results.* In evaluating the inspection and testing performed by a certified UPC/PLU inspector as described in subsection (a), the Department will consider any factor that might reasonably account for a variance between the Department's inspection results and those of the certified UPC/PLU inspector, including a lapse of time between an inspection performed by the Department and the inspection performed by the certified UPC/PLU inspector.

(c) *Reporting of results.* Within 30 days following a follow-up inspection the Department will mail the certified UPC/PLU inspector written notice of the inspection and the results of that inspection.

(d) *Use of results.* The Department may use the results of its follow-up inspection to suspend or revoke the certificate of a certified UPC/PLU inspector, as described in subsection (a), under § 39.16 (relating to suspension or

revocation of certification), as the basis for a warning or instruction directed to the certified UPC/PLU inspector, or as a basis for enforcement action against the entity using the UPC scanning system or PLU device in commerce.

§ 39.16. Suspension or revocation of certification.

(a) *Basis for action.* The Department may suspend or revoke the certificate of a certified UPC/PLU inspector if that person conducts inspections for a private certification program and does one or more of the following:

- (1) Violates this chapter.
- (2) Violates the act.

(3) Is found, following inspection and testing by the Department under § 39.15 (relating to inspection and testing by the Department), to have inaccurately, improperly or incompetently performed testing and inspections of a UPC scanning system or PLU device.

(b) *Notice.* The Department will provide a certified UPC/PLU inspector with written notice of its intention to suspend or revoke certification, which will afford that person notice and opportunity for an administrative hearing before the Department prior to the effective date of the suspension or revocation.

(c) *Delivery of notice.* The Department will deliver the notice described in subsection (b) to the affected certified UPC/PLU inspector by personal service or by regular mail to the address provided by the certified UPC/PLU inspector on the inspector's most recent application for a certificate, or to the address most recently provided to the Department in writing by the certified UPC/PLU inspector as the address to which notices should be sent.

§ 39.17. Certified UPC/PLU inspector list.

(a) *List to be maintained.* The Department will maintain a current list containing the following information with respect to each certified UPC/PLU inspector:

- (1) The name and address.
- (2) The telephone number.
- (3) The Fax number (if available).
- (4) The expiration date of certification.

(5) The unique identification number of the certified UPC/PLU inspector's certificate.

(b) *Distribution of copies.* The Department will provide a copy of the current certified UPC/PLU inspector list upon request.

§ 39.18. Private certification programs: registration.

(a) *General requirement.* A person who owns or operates a commercially used UPC scanning system or PLU device may avoid the requirement of annual State or local

inspection described in section 4112(c) of the act (relating to general testing and inspections) by having the inspection performed by a private certification program. A private certification program shall meet the requirements of this chapter and shall, prior to commencing testing and inspection of commercially used UPC scanning systems or PLU devices, file two copies of a written statement with the Department, at the address in § 39.20 (relating to contacting the Department). The statements shall be accompanied by a self-addressed stamped envelope.

(b) *Contents of written statement.* The written statement referenced in subsection (a) shall contain the following:

(1) The name, business address and telephone number of the private certification program.

(2) The name of any certified UPC/PLU inspector who will be conducting UPC scanning system or PLU device inspections on behalf of the private certification program, together with the unique identification number appearing on the certificate of the certified UPC/PLU inspector.

(3) The signature, printed name and title of the person making the statement.

(c) *Action by Department.* Within 30 days of receiving a written statement as described in subsection (b), the Department will mail the applicant a copy of the written statement bearing a legible stamp or seal indicating the original document has been filed with the Department.

(d) *Updating the written statement.* A private certification program shall, within 30 days of a change affecting the accuracy of a written statement it has filed with the Department, provide the Department an update of its written statement.

§ 39.19. Private certification program list.

(a) *List to be maintained.* The Department will maintain a current list of private certification programs. The list will contain the name, business address, telephone number and Fax number (if available) of each private certification program.

(b) *Distribution of copies.* The Department will provide a copy of the current private certification program list upon request.

§ 39.20. Contacting the Department.

For purposes of this chapter, the Department may be contacted at the following address:

Department of Agriculture
ATTN: Director, Bureau of Ride and Measurement
Standards
2301 North Cameron Street
Harrisburg, PA 17110-9408
Telephone: (717) 787-9089
Fax: (717) 783-4158

STATEMENTS OF POLICY

APPENDIX A
Model Form—Price Verification Report I

Page ____ of ____

Inspection: 1st 2nd 3rd Complaint: Frequency: Normal Increased Type: Stratified Automated Randomized

Location of Test (Store Name, Address, County, Zip Code)	Date:	Telephone:
	Manager:	Type of Store:

Identity, Brand Name, Item or Style Number	Number of Items, Size, Location in Store, or U.P.C. Code	Offered Price	Price Charged	Price Error in Cents ±
1.				
<input type="checkbox"/> Stop Sale Issued <input type="checkbox"/> Corrected	Comments:			
2.				
<input type="checkbox"/> Stop Sale Issued <input type="checkbox"/> Corrected	Comments:			
3.				
<input type="checkbox"/> Stop Sale Issued <input type="checkbox"/> Corrected	Comments:			
4.				
<input type="checkbox"/> Stop Sale Issued <input type="checkbox"/> Corrected	Comments:			
5.				
<input type="checkbox"/> Stop Sale Issued <input type="checkbox"/> Corrected	Comments:			
6.				
<input type="checkbox"/> Stop Sale Issued <input type="checkbox"/> Corrected	Comments:			
7.				
<input type="checkbox"/> Stop Sale Issued <input type="checkbox"/> Corrected	Comments:			
8.				
<input type="checkbox"/> Stop Sale Issued <input type="checkbox"/> Corrected	Comments:			

Comments/Remarks:

Evaluation of Results:

Report Acknowledgement

Name/Title _____
Inspector _____ Time In: _____ Time Out: _____

____ Sample - ____ Not on File = ____ Adjusted Sample
____ Errors + ____ Adjusted Sample = ____ Error in %
Accuracy ____ % Ratio: ____ Overcharges ____ Undercharges

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