

USDA Publishes Final Rule to Incorporate the 2009 Edition of the National Institute of Standards and Technology Handbook 44

WASHINGTON, Nov. 5, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) published the Final Rule in the *Federal Register* on October 20, 2009, to incorporate by reference the 2009 edition of the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, " and to require that scales used by stockyard owners, market agencies, dealers, packers, and live poultry dealers to weigh livestock, livestock carcasses, live poultry, or feed for the purposes of purchase, sale, acquisition, payment or settlement meet applicable requirements of the 2009 NIST Handbook 44. GIPSA also amended that section of the regulations to add "swine contractors" to the list of regulated entities to which the section applies. The Final Rule will become effective November 19, 2009.

The regulations under the Packers and Stockyards (P&S) Act have specific requirements for scales that regulated entities used for weighing livestock, poultry or feed and packers purchasing livestock on a carcass grade, weight, or grade and weight basis.

The amendment to Section 201.71 of the regulations under the P&S Act will incorporate by reference the 2009 edition of NIST Handbook 44. Section 201.71 also provides instruction on how to obtain copies of the handbook, which includes updated standards for operating, maintaining, and testing scales and standards for electronic devices.

The changes to add swine contractor as a regulated entity will make section 201.71 (a), (b), (c), and (d) consistent with other regulations under the P&S Act regarding regulated entities that have been amended to include swine contractors.

The proposed rule was published in the May 15th *Federal Register* and received no comments.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.

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Catherine M. Grasso 202-720-7201
Catherine.M.Grasso@usda.gov