



30 April 2018

(18-2684)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>UNITED STATES OF AMERICA</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b> State of New York
<b>2. Agency responsible:</b> New York Department of Agriculture and Markets, State of New York [1382] <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> Please submit comments to: USA WTO TBT Enquiry Point, Email: <a href="mailto:usatbtep@nist.gov">usatbtep@nist.gov</a>
<b>3. Notified under Article 2.9.2 [ ], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b> Technical Regulation - Local Government (Article 3.2)
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Commercial measuring devices Metrology and measurement in general (ICS 17.020).
<b>5. Title, number of pages and language(s) of the notified document:</b> National Institute of Standards and Technology Handbook 44 (2018) (2 page(s), in English)
<b>6. Description of content:</b> The proposed rule will incorporate by reference in subdivision (a) of 1 NYCRR section 220.2 the 2018 edition of National Institute of Standards and Technology Handbook 44 (henceforth, "Handbook 44 (2018 edition)") which contains specifications, tolerances and regulations for commercial measuring devices. The 2017 edition of Handbook 44 is presently incorporated by reference. Handbook 44 (2018 edition) differs from the 2017 edition in that it contains new requirements for divisions in high-accuracy scales used in direct sales such as jewelry scales; deletes the requirement that the size of the pipe, mounted on a vehicle tank used for the delivery of petroleum products, must be set forth on the meter; amends requirements applicable to taximeters that use GPS technology; and other, non-substantive additions, amendments, and deletions. Handbook 44 (2018 edition) has been adopted or is in the process of being adopted by every state; manufacturers and users of weighing and measuring devices located in New York already, therefore, conform their operations to the provisions of this document in order to sell their products in interstate commerce.  The proposed rule requires manufacturers and users of weighing and measuring devices to do no more than they are practically required to do presently and/or lessens certain regulatory burdens; as such, the proposed rule will not have an adverse impact upon jobs or employment opportunities.
<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Prevention of deceptive practices and consumer protection

<b>8. Relevant documents:</b> New York Codes, Rules and Regulations Title 1, Chapter 5, Part 220 Section 2 (1 CRR-NY 220.2): <a href="https://govt.westlaw.com/nycrr/Document/I0f4a7f4cc22211dda8b4a344a7766531?viewType=FullText&amp;originationContext=documenttoc&amp;transitionType=StatuteNavigator&amp;contextData=(sc.Default)&amp;bhcp=1">https://govt.westlaw.com/nycrr/Document/I0f4a7f4cc22211dda8b4a344a7766531?viewType=FullText&amp;originationContext=documenttoc&amp;transitionType=StatuteNavigator&amp;contextData=(sc.Default)&amp;bhcp=1</a> Vol. XL, Issue 13, New York State Register 28 March 2018 (page 1); go to <a href="https://govt.westlaw.com/nyreg/index?lrTS=20180329224633882&amp;transitionType=Default&amp;contextData=(sc.Default)">https://govt.westlaw.com/nyreg/index?lrTS=20180329224633882&amp;transitionType=Default&amp;contextData=(sc.Default)</a> to navigate to the Register.
<b>9. Proposed date of adoption:</b> To be determined <b>Proposed date of entry into force:</b> To be determined
<b>10. Final date for comments:</b> 27 May 2018
<b>11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b> <a href="https://members.wto.org/crnattachments/2018/TBT/USA/18_2266_00_e.pdf">https://members.wto.org/crnattachments/2018/TBT/USA/18_2266_00_e.pdf</a>