

May 31, 2019

Brian Oakley, Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
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Boise, Idaho 83707

Subject: Docket No. 02.0214.1901 -- Rules for Weights & Measures

Submitted via email to kevin.merritt@isda.idaho.gov; brian.oakley@isda.idaho.gov

Comments submitted by IPM&CSA opposing Docket No. 02.0214.1901 Rules for Weights and Measures as published in the Idaho Administrative Bulletin May 1, 2019 – Vol. 19-5

Dear Mr. Oakley and Mr. Merritt:

The Idaho Petroleum Marketers & Convenience Store Association (IPM&CSA) opposes the proposed rules, referenced above, as written. While we commend the work of the Idaho Weights and Measures Program, we cannot support the proposal from the agency to double fees in a single year, and believe the information set forth by the agency does not adequately defend the need for such a significant increase in revenues beyond what is needed to cover the annual expenses of the program.

Several valid questions and concerns with the rules, as proposed, have been raised, including but not limited to the following:

- We view a doubling of the current fee structure as excessive, and do not believe that ongoing expenses of the program justify such an extreme increase.
- While we understand the need for capital expenditures for new equipment and to expand the staff, those new costs should not be incurred in a single year.
- Should the agency choose to incur those new costs all at once, we do not believe it is reasonable to expect industry to carry the entire burden of these new and ongoing expenses.
- Program reserves appear adequate to cover new expenses, particularly if they are phased in over more than one year.
- We believe the fees paid should be proportional to the workload for that industry sector and devices involved. This does not appear to be the case in the proposed structure, particularly as it pertains to equipment replacement for new trucks (at \$500,000) and for EV charging stations (at \$30,000).
- The General Fund should continue to pay a significant proportion of program expenses, as consumer protection is a critical part of the program's mission, and all Idahoans benefit as a result.

We appreciate the opportunity to meet with program managers and discuss program activities and future projections. The meeting on May 14 was well attended by IPM&CSA members and other industries impacted by the proposal, and we had a detailed discussion about expenses, revenues and the future needs of the Weights and Measures program. We would suggest that in addition to what was essentially an information-only meeting on May 14, the agency take the next step by engaging in additional discussions (negotiated-rulemaking) with impacted parties to reach an agreeable solution – one that meets the needs of the agency, without imposing undue costs on those paying fees. It is also important to note that the Weights and Measures program plays a critical role for Idaho consumers and should continue to be funded, in large part, by General Fund dollars, in addition to industry fees.

IPM&CSA represents Idaho's wholesale fuel distributors and retail fuel outlets and their associated convenience stores throughout the state. Our members supply fuel to consumers, farmers and ranchers, municipalities, businesses, schools and others state-wide. We have long enjoyed good relations with the Weights and Measures program, and we appreciate the opportunity to continue discussions to reach a mutually-agreeable solution to sustainable program funding.

Sincerely,



Suzanne Budge
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