

# Idaho Retailers Association

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**THE Voice of Retail In Idaho**

May 31, 2019

Brian Oakley, Deputy Director  
Idaho Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 7249  
Boise, Idaho 83707

## **RE: Rules for Weights & Measures - Docket No. 02.0214.1901**

Mr. Oakley and other concerned parties,

As written today, the Idaho Retailers Association opposes the proposed rules in Docket No. 02.0214.1901.

Numerous questions and concerns were brought up during the Department's rule making public meeting on May 14 that we do not think were answered or addressed, including some inconsistencies in the data and dollar amounts within the Division's current budget. Until these inconsistencies are resolved, along with other questions and concerns addressed, we feel it would be irresponsible to move forward in doubling the current fees within this program on Idaho businesses.

Some primary concerns that were expressed during the meeting included:

- Are the fees for specific device types and industries appropriately proportional to the workload? And if not, why not?
- Why is the program trying to build future reserves beyond what is needed to cover capital investment?
- Why is the fee doubling in one fell swoop rather than being phased in?

To expand on some of these concerns, the two new trucks that will cost \$500,000 (and seem to be the ultimate triggers for the 100% increase in fees) will largely only serve the agriculture community. The discussion on if the increased fees are appropriately proportional to the workload and costs of the various types of devices and businesses was not thoroughly discussed. In addition, since the current reserves will cover the \$500K, why are the fees being increased at such a rate to immediately build the reserve back up? More discussion and answers are needed.

I'd also like to note that many of the same businesses that will face this 100% increase will also be facing an increase from the Public Health Districts for their food licenses at the same time. Those fees, however, were truly negotiated with and supported by industry, along with being phased-in.

A reasonable fee increase is defensible, but a 100% increase in one year is not warranted. The Weights and Measures program is significantly a consumer protection program, and therefore, should continue to be funded in large part by the General Fund. The data presented was conflicting on how much the program costs and the ultimate percentages from fees versus the General Fund, along with what's truly needed in the reserve fund for future growth or emergencies. There are still just too many unanswered questions to responsibly move forward.

The Idaho Retailers Association represents retailers of all types and sizes from all across Idaho, many of which deal with Weights and Measures. I hope we will be able to continue working with the Department on the proposed rules and truly negotiate a fee increase that's reasonable and fair to everyone within the program.

As always, please feel free to contact me if you have any questions. Thank you for your attention to our concerns.

Sincerely,

*Pam Eaton*

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