

Produce Scales Permit

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Producers selling fruits and vegetables by weight must use an inspected and permitted legal for trade scale. Becoming compliant is twofold. First a producer has to purchase an approved legal for trade scale. Then the scale must be inspected and upon approval will be issued a permit for retail use.

Scales must conform to National Type Evaluation Program (NTEP) standards. Scales that comply with NTEP guidelines typically will be marked with the NTEP logo and the associated accuracy class which is normally "III" with produce scales. Scales marked "not legal for trade" are not acceptable for retail use in Tennessee. Scales must also comply with the National Institute of Standards and Technology (NIST) Handbook 44 (H44) which mandates tolerances, specifications and other technical requirements for all weighing and measuring devices. Both NTEP and H44 requirements are national standards utilized by the vast majority of all states.

Farmers seeking to purchase NTEP approved scales should look either in the yellow pages under scales for nearby suppliers or search on-line. Generally suppliers do not carry class three scales in stock. When purchasing, allow at least three to five days time for delivery. Depending on make and model, scales range in price from \$300 to \$800. It is also acceptable to utilize used or refurbished scales, as long as they meet the NTEP and H44 guidelines.

The Weights and Measures Section (WM) is located within the Regulatory Services Division of the Tennessee Department of Agriculture and is responsible for inspecting retail scales and issuing those permits in Tennessee.

Mass standards used by WM are directly traceable to the national mass standard housed at NIST in Gaithersburg, MD. WM's mass standards are routinely calibrated under a controlled laboratory environment to ensure their accuracy.

Requests for scale inspections should be directed by phone to WM. When a scale is inspected for the first time and found to be in compliance, an invoice will be left with the producer listing instructions for payment. The scales permit cost is \$5.00 per scale. Renewal invoices are normally sent by mail in mid-June and a permit will be issued when all associated fees are paid in full. Permits are valid for the fiscal year (July 1 - June 30).

Scales found not to be in compliance are allowed up to thirty (30) days for repair or replacement. Depending on the severity of the problem, scales may be immediately removed from service by a WM inspector. Only scale agencies licensed with WM may adjust, repair, or calibrate scales in TN. While it is the responsibility of the producer to make sure the scale is permitted, farmers selling at local farmers markets should ask the market manager if they have arranged an annual inspection date, as often times they will help facilitate this process for the market vendors.



All commodities sold by weight must be sold by net weight. Net weight is the weight of only the commodity and does not include the weight of the carton, box, container or wrapper. Also note that not all fruits and vegetables can be sold by weight. Producers retailing fruits and vegetables are required to comply with the uniform laws and regulation guidelines regarding allowable units of retail sale.

To learn more, refer to CPA Info#167 Allowable Units of Retail Sale for Fruits and Vegetables available online at <http://cpa.utk.edu/pdffiles/cpa167.pdf>.

To obtain a scale permit, contact the WM at (615) 837-5109.