

# Independent Oil Marketers Association of New England

July 28, 2015

Mr. Charles Carroll  
Division of Standards  
One Ashburton Place  
Room 1115  
Boston, MA 02108

Re: Notice of Meeting (07/30/2015), 202 CMR 2.00: Massachusetts Standards

Dear Mr. Carroll:

Thank you for providing the opportunity to comment on possible changes to 202 CMR 2.00: Massachusetts Standards. Upon review of Governor Baker's Executive Order 562, The Independent Oil Marketers Association of New England (IOMA), would like to make the following recommendations.

With regard to section 2.06: Advertising and Sale of Motor Fuel and Lubricating Oil at Retail; (1) The Display of Price Advertising Signs. IOMA would like The Division of Standards to adopt the language presently in effect in New Hampshire, which is:

"New Hampshire Pump Topper Price Sign Rules: 339:30-a Gasoline and Diesel Fuel Prices. –

I. All persons who shall offer for sale or sell gasoline or diesel fuel at retail shall post the price of all grades and services of such fuel in at least 2 of the following ways:

(a) On a price sign affixed to the fuel dispenser in numerals not less than 4 inches high and 3/4 of an inch in width; such price signs shall be placed on the dispenser so that they are clearly visible from both sides of the dispenser from either direction of a motorist's approach;

(b) On a stationary roadside fuel price sign; the stationary roadside fuel sign must be clearly visible from the street; or

(c) By a digital unit price indicator or an analog unit price indicator on the face of the dispenser; the indicators must display the actual price of the fuel pumped."

By adopting this rule, IOMA believes the Division would be satisfying several of EO 562's mandates, including:

b. the costs of the regulation do not exceed the benefits that would result from the regulation.

d. less restrictive and intrusive alternatives have been considered and found less desirable based on a sound evaluation of the alternatives.

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f. the Agency has established a process and a schedule for measuring the effectiveness of the regulation.

Thank you for your consideration of this matter and please feel free to contact this office should you have any questions.

Sincerely,  
**Peter Romano**  
Peter Romano  
President, IOMA

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## Division of Standards

### Repair, Calibration, and Sealing of Commercial Weights and Measures Devices

Gasoline station owners represented by the Independent Oil Marketers Association (IOMA) rely on accurate, functional and compliant meters for dispensing fuel at the pump. Likewise, when those meters break or fall out of calibration, it is imperative to businesses and their customers that the equipment is returned to good working order as quickly as possible. Unfortunately, under the Commonwealth's current regulatory system, scheduling and availability obstacles often impede the timely resolution of these issues.

IOMA proposes that the Division of Standards adjust its regulations to allow for interim repair, calibration and sealing of commercial measuring devices by private third-party contractors. Under such an arrangement, contractors could be certified and registered according to state standards, paid for by the business requesting their services (including reasonable fees to state or local authorities, as appropriate) and required to periodically report all work to the Weights & Measures official with jurisdiction over the device in question. Accordingly, state and local authorities would be apprised of the contractor's work, and able to confirm it upon their statutory annual inspection.

It appears that the Division of Standards possesses the requisite authority and discretion to implement this type of reform, and would not require new legislation to do so. For a similar system that has worked well for IOMA members, we suggest that the Commonwealth look to New Hampshire as an example.

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