

Reweighing

Livestock owners, buyers, or others having legitimate interest in a livestock draft are entitled to observe the scale balancing, weighing, and recording procedures on that draft. Weighers must not deny such persons that right or withhold from them any information related to the weight of that draft. Weighers must check the zero balance of the scale or reweigh a livestock draft when requested by such persons.

Registrants, packers, and the weighers they employ must comply with a request by any authorized P&SP agent to reweigh livestock or livestock carcasses, so P&SP can determine if the weights recorded by the scale are accurate. False weighing is a criminal offense. Legal action may be brought if incorrect weighing is found.

What are the Penalties for Violations under the P&S Act?

Administrative and civil penalties for violations of the P&S Act include cease and desist orders, civil penalties not more than \$11,000 for each violation, and suspensions of registrations under the P&S Act. Any person found guilty of any of the following criminal offenses against the United States is subject to a fine, imprisonment, or both:

- Makes false entries in records or accounts;
- Neglects to make true; correct entries;
- Mutilates, alters, or falsifies any documentary evidence required to be kept;
- Refuses to allow inspection of records by authorized agents.

Weighers, who willfully print or enter a false weight on a scale ticket or other record of a registrant or packer, are subject to the penalties under the P&S Act.

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Jurisdiction: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

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Please direct comments or questions about this publication to:

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USDA

Grain Inspection,
Packers and Stockyards
Administration

Responsibility
for Accurate
Scales and
Livestock
Weights

United States
Department of Agriculture

www.gipsa.usda.gov



Why are Accurate Scales and Weights Important?

In the world of livestock marketing, when weights are a factor used to determine payment, accurate scales and honest weighing protect the seller's right to fair value and guard the buyer's right to equity.

Who is Responsible for Accurate Scales and Weights?

Stockyards, market agencies, dealers (collectively "registrants"), packers, and swine contractors must use accurate scales, and ensure that they determine and use accurate weights in the purchase, sale, acquisition, payment, or settlement of livestock (cattle, sheep, swine, horses, mules, or goats—whether live or dead). Registrants and packers must record complete and accurate information about weights on the scale tickets and other documents issued for these transactions.

Persons employed by these regulated entities performing weighing services (weighers) also have responsibility under the Packers and Stockyards Act (P&S Act) and regulations. Weighers must determine and record the true weight of livestock without prejudice or favor to any person and without regard for livestock ownership, price, condition, fill, shrink, or other considerations.

How does the P&SP Promote Accurate Weighing?

The Packers and Stockyards Program (P&SP) enforces the P&S Act. P&SP promotes accurate weighing in the livestock industry in the following ways:

Scale Installation and Maintenance

All scales used by registrants, packers, and swine contractors weighing livestock, livestock carcasses, or feed for purchase, sale, acquisition, payment, or settlement must be installed and maintained in accordance with National Institute of Standards and Technology (NIST) Handbook 44 as incorporated by reference into the regulations.

Scale Testing

Such scales must be tested for accuracy by a competent agency at least twice during each calendar year—once between January 1 and June 30, and once between July 1 and December 31. There must be a minimum of 120 days between the two tests. More frequent testing will be required in cases where the scale does not maintain accuracy between tests. *Except that* if scales are used on a limited seasonal basis (during any continuous 8-month period) the registrant, swine contractor, or packer using the scale may use it within an 8-month period following each test. Reports of each test must be forwarded to P&SP. Any scale found to be inaccurate according to accepted tolerances, must not be used until it is repaired, retested and found accurate again.

Actual Weight

Whenever registrants and packers buy, sell, acquire, pay, or settle livestock transactions on a weight basis, payment or settlement must be based on the actual weight of the livestock shown on the scale ticket. Similarly, whenever the weight of feed is a factor in determining payment or settlement to a livestock grower when livestock is produced under a growing arrangement, registrants and packers must base payment or settlement on the actual weight of feed shown on the scale ticket.

The weight of returned feed may be a reasonably determined weight, mutually acceptable to the regulated entity and the livestock grower. If the actual weight used is not obtained on the date and at the place of transfer of possession this information must be disclosed with the date and location of the weighing on the accountings, bills, or statements issued. If there are any adjustments to the actual weight, this information and the reason must be disclosed on the accountings, bills, or statements issued.

Qualified Weighers

Registrants and packers must employ qualified persons to operate scales for weighing livestock, livestock carcasses, or feed.

Scales and Weighing Training

P&SP provides instructional material on testing scales and instructions for weighing livestock. In cooperation with State weights and measures officials, P&SP also provides live instruction and correct procedures to test scales and weigh livestock and feed. Weighers must sign an acknowledgement indicating that they have received and read the instructions for weighing livestock issued under the P&S Act, and they agree to follow the instructions.

Care and Promptness in Weighing and Handling Livestock

Registrants and packers must exercise reasonable care and promptness in weighing or otherwise handling livestock to prevent waste of feed, shrinkage, injury, death or other avoidable loss.

Scale Ticket Requirements for Livestock and Feed

Every registrant and packer must keep all accounts, records, and memorandum necessary

to fully and correctly disclose all transactions involved in the business transaction, including the true ownership. The scale ticket is a legal document. Every record that is issued where weight is a factor of settlement depends on a complete and accurate scale ticket.

Each scale ticket for livestock must show:

(1) Date of weighing; (2) Name of weighing agency; (3) Correct name of seller or consignor and buyer (or a designation by which they may be readily identified); (4) Number of head; (5) Kind of livestock; (6) Actual weight of livestock (this would be a hot carcass weight when livestock is purchased on a carcass weight or carcass grade and weight basis); and (7) Name or initials of weigher.

Each scale ticket for feed, where the weight of feed is a factor in determining payment or settlement to a livestock grower, must show:

(1) Name of the agency performing the weighing service; (2) Name and address of the livestock grower; (3) Name or initials or number of the feed weigher, or if required by State law, the signature of the weigher; (4) Location of the scale; (5) Gross, tare, and net weight of each lot assigned to an individual grower, if applicable; (6) Date and time gross and tare weights determined, if applicable; (7) Identification of each lot assigned to an individual grower by vehicle or trailer compartment number and seal numbers, if applicable; (8) Whether the driver was on or off the truck at the time of weighing; and (9) License number of the truck or other identification numbers of the truck and trailer, if weighed together, or trailer if only the trailer is weighed, if applicable.

Additional information may be shown on the scale ticket if desired, such as price paid, etc. However, the information listed above must be shown to make a complete legal record.