

- The name, initials or identification number of the person who weighed the feed, or if required by State law, the signature of the weigher;
- The city and state in which the scale is located, and, if a facility has more than one scale on which feed is weighed, the identity of the scale;
- The zero balance; provided that when using a vehicle scale to weigh feed for more than one producer or grower on the same multi-compartment truck, the preceding producer's or grower's gross weight can be used for the next producer's or grower's tare weight without printing a zero balance, and repeated until the unit is full;
- The date and time zero balance was determined;
- The gross weight, tare weight, and net weight of each lot assigned to an individual producer or grower, if applicable;
- The date and time gross weight and, if applicable, tare weight, are determined;
- The identification of each lot assigned to an individual producer or grower by vehicle or trailer compartment number and seal number, if applicable;
- Whether the driver was on or off the truck at the time of weighing, if applicable; and
- The license number or other identification numbers on the truck and trailer, if weighed together, or trailer if only the trailer is weighed, if applicable.

You may show additional information on the scale ticket, if desired, such as price paid, etc. However, you must show the information listed above to make a complete legal record.

Reweighing

Livestock owners or growers, 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. Nor should weighers withhold from these persons 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.

You, and the weighers you employ or contract for weighing services, must comply with a request by any authorized PSD agent to reweigh livestock or livestock carcasses. We use reweigh results to determine if the weights recorded by the scale are accurate. False weighing is a criminal offense. We may initiate a legal enforcement action if we find incorrect weighing.

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

As a registrant, packer, or swine contractor, you are subject to administrative cease and desist orders, civil penalties not more than \$11,000 for each violation of the P&S Act, and suspension of or prohibition from registration under the P&S Act.

We may report any violation of the P&S Act by you to the Attorney General of the United States and request civil or criminal prosecution, as appropriate.

Any person convicted of the following criminal offenses against the United States, is subject to a fine of at least \$1,000 and not more than \$5,000, imprisonment of not more than three years, 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, packer, or swine contractor are subject to the penalties under the P&S Act.

Contact info for PSD regional offices:

www.ams.usda.gov/about-ams/programs-offices/fair-trade-practices/packers-and-stockyards-contacts

Please direct comments or questions about this publication to:

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United States
Department of
Agriculture

Agricultural Marketing Service

Packers & Stockyards Division



**Responsibility
for Accurate
Scales and
Livestock
Weights**

Why are Accurate Scales and Weights Important?

When weights are used to determine payment, accurate scales, and honest weighing, protect the seller's right to fair value, livestock. Using accurate scales and weights also guards the buyer's right to equity.

Who is Responsible for Accurate Scales and Weights?

You must use accurate scales if you do business as (1) a stockyard, (2) market agency, (3) dealer (collectively "registrants"), (4) a packer, or (5) a swine contractor. Ensure that you determine and use accurate weights in the (1) purchase, (2) sale, (3) acquisition, (4) payment, or (5) settlement of livestock (cattle, sheep, swine, horses, mules, or goats). Record complete and accurate information about weights on the scale tickets and other documents issued for these transactions.

Persons you employ or contract to perform 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. They must also do so without regard for livestock ownership, price, condition, fill, shrink, or other considerations.

How Does the Packers and Stockyards Division Promote Accurate Weighing?

The Packers and Stockyards Division (PSD), part of the Fair Trade Practices Program within the Agricultural Marketing Service, enforces the P&S Act. PSD promotes accurate weighing in the livestock industry in the following ways:

Scale Installation and Maintenance

As a registrant, packer, or swine contractor, all scales you use for weighing livestock, livestock carcasses, or feed for purchase, sale, acquisition, payment, or settlement must be installed and maintained in accordance to National Institute of Standards and Technology (NIST) Handbook 44, as incorporated by reference into the regulations.

Scale Testing

We require you to have a competent agency test such scales for accuracy 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. PSD may require more frequent testing in cases where the scale does not maintain accuracy between tests. With an exception: If you use the scale on a limited seasonal basis, you may use such scales within an 8-month period following each test. Scale tests must be forwarded to one of our PSD Regional Offices. You may not use any scale found to be inaccurate, according to accepted tolerances, until you have the scale repaired, retested, and it is deemed accurate.

Actual Weight

As a registrant, packer, or swine contractor, whenever you buy, sell, acquire, pay, or settle livestock transactions on a weight basis, you must base payment or settlement on the actual weight of the livestock shown on the scale ticket. Similarly, you must base payment or settlement on the actual weight of feed shown on the scale ticket, whenever the weight of feed is a factor in determining your payment or settlement to a livestock grower, or when the grower produces livestock under a growing arrangement.

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 measured is not included during the transfer of possession, you must disclose this information, along with the date and location site of the weighing, on the accountings, bills, or statements issued. If you adjust the actual weight, you must disclose this information, along with the reason for the adjustment(s), on the accountings, bills, or statements issued.

Qualified Weighers

You must employ or contract qualified persons to operate scales for weighing livestock, livestock carcasses, or feed.

Scales and Weighing Training

We provide instructions on testing scales and for weighing livestock. In cooperation with state weights and measures officials, we also provide live instruction and correct procedures to test scales and weigh livestock and feed. All weighers you employ or contract to provide weighing services must sign an acknowledgment indicating that they have received and read the instructions for weighing livestock issued under the P&S Act, and agree to follow the instructions.

Care and Promptness in Weighing and Handling Livestock

You 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

You must keep all accounts, records, and memorandum necessary to disclose, fully and correctly, all transactions involved in the business, including the true ownership.

The scale ticket is a legal document. Every record you issue in which weight is a factor of settlement depends on a complete and accurate scale ticket. In instances where the weight values are automatically recorded directly on the account of purchase, account of sale, or other basic transaction record, this record may serve in place of a scale ticket. Additionally, all accounts, records, and memorandum necessary to fully and correctly disclose all transactions involved must be kept as supporting documentation.

Each scale ticket for livestock must show:

- Date of weighing;
- Name of weighing agency;
- Correct name of seller or consignor and buyer (or a designation by which they may be readily identified);
- Number of head;
- Kind of livestock;
- 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
- Name or initials of weigher.

Whenever feed is weighed and the weight of the feed is a factor in determining payment or settlement to a livestock producer, the scale ticket or other basic transaction record must show:

- The name of the agency performing the weighing service, or the name and location of the firm responsible for supplying the feed;
- The name and address of the livestock producer, or a designation by which they may be readily identified;