

# Southern Weights & Measures Association

86nd Edition

SWMA Newsletter

July 2001

## Dear SWMA members and friends

Since our meeting in Austin, I hope each of you and your families had a Merry Christmas and a most prosperous New Year. Here in Kentucky, we are already making plans for the 56<sup>th</sup> Southern Weights and Measures conference this fall. The conference will be held in Lexington, Kentucky and very soon each of you will receive information pertaining to this event. Should you have questions concerning this event, please feel free to contact Doug Rathbun, Randy Wise, or myself at (502) 564-4870.

As I stated when I met with the Board of Directors in Austin, my goal as President is to recruit as many new members as possible. I truly believe that there is strength in numbers and we do need new and active members to enhance our current membership. If each jurisdiction and associate member would focus on membership recruitment, it would be amazing how rapidly our organization could grow. Let's all work hard on bringing in new members and promoting ourselves as the great organization, which we know it to be.

I would like to congratulate N. David Smith on his promotion in the great state of North Carolina. I'm sure they realize the talents, skills and dedication that we have seen for quite some time. Congratulations are also in order for Bill Truby on his recent retirement. Bill has worked hard for many years and been a cornerstone of our association. Good people like Bill are hard to replace. The State of Georgia and the SWMA are very fortunate to have Jerry Flanders to carry on the tradition.

In closing, we are looking forward to everyone attending the conference this year and promise you a great time. During the next few weeks, I will be calling on everyone for guidance and support. I am also looking forward to seeing each of you at the national conference in July. "See you soon"!!!!

Sincerely,

Larry W. Hatfield

President SWMA



Sharman Eskew, wife of James "Herb" Eskew passed away suddenly on May 6, 2001. Herb was a 35 year veteran employee of the Texas Department of Agriculture and Coordinator for the Metrology Program and Weights and Measures Programs. Herb and Sharman had both retired approximately 3 years ago and were beginning to enjoy life again when this tragedy occurred. Anyone wishing to express their condolences can email Herb at: [h eskew@wans.net](mailto:h eskew@wans.net) Herb seems to be taking the tragedy as well as anyone could expect, one day at a time. Please keep Herb and his family in your prayers and thoughts.

## SWMA NEWS FROM THE PAST Bob Eaves, Historian

- Hotel Rates have increased slightly over the years. The rates at the Seminole Hotel in Jacksonville, Florida where the 1<sup>st</sup> Annual SWMA Conference was held in 1946, were \$3.50 - \$7.00 for a single, \$6.00 - \$10.00 for a double bed and \$7.00 - \$12.00 for a room with twin beds.
- The cost to the SWMA for a dinner at the 3<sup>rd</sup> Annual SWMA Conference held in 1948 at the Baker Hotel, Dallas, Texas, was \$813.00 for 206 in attendance. (\$3.50 each)
- In 1950, Virginia was the first state in the SWMA to place the Code of Specifications of Tolerances and Regulations in Handbook 44 into official use.
- In 1972, Delaware Weights & Measures reported that 71 of 101 LPG meters inspected in the state were found to be out of tolerance.
- It was reported in the April 1976 edition of the SWMA newsletter that Bob Williams started his tenure as a Tennessee Weights & Measures Laboratory Technologist. (Whatever happened to that guy?) ☪

**JURISDICTIONAL NEWS**

**FLORIDA**

**DELAWARE**

Michael T. Scuse, a Kent County agri-businessman, has taken over leadership of the Delaware Department of Agriculture. The previous Secretary of Agriculture, Jack Tarburton, has moved on to a position with the Delaware Economic and Development Office. The Weights and Measures section looks forward to working with our new Secretary, and wishes both gentlemen the best in their new capacities.

Financial projections of revenue shortages during the coming fiscal year have resulted in the Delaware Weights and Measures Section having its budget cut by 3%. These cuts came out of our already barebones supply, contractual, and travel budgets. There will be a lot of belt-tightening over the coming year, but we have a good crew that will pull us through.

Steve Connors and Leon Gratkowski attended the one day NIST Workshop on E-Business on April 24, 2001 in Gaithersburg, Maryland. It was a very informative day for everyone who participated. The time has really come for regulatory officials to begin looking at business that transpires over the Internet. There are still many questions to be answered, and much investigation to be done, but if we are going to strive to maintain a "level playing field" for businesses we need to begin looking at whether consumers are being fully informed before they make internet purchases. Cooperation amongst the various jurisdictions will be key to ensuring compliance.

Weights and Measures Inspector Bill Lagemann and Grain Inspector Ray Burton attended the three-day training class on moisture meters presented by NIST at the Maryland Department of Agriculture in Annapolis, Maryland in June. Once we purchase a new refrigerator and make some repairs to our oven, Delaware's moisture meter program will be in full compliance with the latest grain testing procedures. Bill and Ray are anxious to get the ball rolling and are preparing a special grain testing area in our complex.

A shortage of office space has necessitated the relocation of our section to a separate building on the Department of Agriculture's property. The Administrator, Supervisor, and Inspectors now share a single large office. We have an ample storage room attached to the office, and have easy access to our vehicles and equipment.

Governor Jeb Bush appointed Senator Charles Bronson as Florida's Commissioner of Agriculture effective May 14, 2001. Commissioner Bronson replaces Commissioner Terry L. Rhodes, who will return to her previously held position as Assistant Commissioner. Ms. Rhodes has served as Commissioner since January. Commissioner Bronson has served as a state senator since 1994, and was Chairman of the Agriculture Committee from 1996 to 1998.

The Bureau of Weights and Measures just received a portable dynamometer to be used for taximeter testing. Traditionally, the Bureau preferred to use measured mile road courses for this type of testing to reduce the chance of unacceptable inaccuracies and uncertainties that may occur when using a mechanical device as a transfer standard. However, safety issues related to the volume of traffic on public roadways resulted in the need to test taximeters in safer locations using simulated road tests. In addition to safety enhancements, the portable tester will allow for more testing of taximeters "unannounced" in their as-used condition. We hope to report on the success of the new equipment in a later edition of the SWMA Newsletter.

Inspectors in Florida continue to monitor packages of glazed lobster tails found at packagers and wholesalers and continue to find short measure packages, although not at the rate discovered last year. The packages are typically 10 lb. size and are sold to restaurants and seafood wholesalers. Complaints from out-of-state restaurants have resulted in some of the violations discovered. Lobster tails are a higher priced commodity and we ask that other jurisdictions monitor the packages as well if resources allow.

Last November, a new Guinness World Record Dip was certified by Weights and Measures in Florida; on May 17 we certified something to wash down all that dip. A 7,039.75 gallon margarita was mixed and measured at a famous Orlando park restaurant. Proceeds from the event benefited two Orlando children's charities. As opposed to the dip event, the inspectors were not required (or allowed) to taste the drink to certify it as "drinkable."

Max Gray was able to attend part of the National Association of Consumer Agency Administrators (NACAA) Annual Conference in June at St. Petersburg, Florida. He participated in a panel discussion on weights and measures issues and gave a

<b>ENFORCEMENT ACTION</b>			
<b>Business</b>	<b>Violation</b>	<b>Plea</b>	<b>Disposition</b>
Metro Food Mkt. #50, Dover	No quantity Declarations	No Contest	Fined \$90.00
Staples #932, Wilmington	Misrepresentation of price	Guilty	\$90.00 <sup>†</sup>

presentation on price verification testing activities in Florida. There were many interesting sessions on consumer protection issues at the meetings.

Florida thanks Bill Brasher for his continuing efforts in keeping the website going and publishing the newsletter. We find both of these to be useful resources for information and encourage all members to participate by supplying Bill with news or stories of interest from their jurisdictions and businesses. †

## GEORGIA

Fuel and Measures Section now is under the Consumer Protection Field Forces

Division with Assistant Commissioner Cameron Smoak heading up the Division. This Division includes the food, dairy, fuel and measures and poultry grading programs. All of us in Fuel and Measures are looking forward to the leadership Cameron brings. **"Good Luck Cameron"**

Fuel and Measures Annual Training Seminar was held June 7<sup>th</sup> and 8<sup>th</sup> 2001 in Macon. Several retirees were invited and some of the ones attending were none other than Bill Truby, Sam Burtz, Fred Tyre, D.W. Long and Mr. M.A. Drake.

The recipient of the "Golden Drake Award" for 2001 was Curtis P. Williams the State Fuel Oil Chemist, this award is given to the outstanding Fuel and Measures employee for the year. Congratulations Curt.

Welcome aboard to Fuel And Measures new employees (Ursula Tiller), Clerk 2 with our Certified Public Weigher, Antifreeze and Registered Service Companies Registration program, Melissa Richardson, (Ag. Secretary), in our Atlanta Office, Don Evans, Raiford Smith, Ed Mullis, Eddie Hill and Glen Price (Retail Fuel Inspectors), Hilton Carter, Ag. Inspector 2 (Heavy Scale Team) and Steve Brannon (LPG/Moisture Meter) North Georgia.

Curt Williams will be attending the June ASTM D2 Petroleum Committee Meeting in San Diego, California.

Kathy Holiday is currently filling a part time position at the fuel lab. She splits her time with the Consumer Protection Division.

The lab hopes to have an Espec for the LIMS at the lab sometime in July and implemented by the end of the year. The environmental testing program is underway and keeping the staff busy. At the recent division's annual training seminar, emphasis was placed on improving the departments' inspection database for improved facility identification and accuracy.

Rich Lewis, Assistant State Metrologist and Dale Gann, Metrologist I attended the Basic Mass, Length, and Volume for States seminar held at NIST April 23rd - May 4th. Rich also attended the Intermediate Metrology Seminar held June 11th - 15th. †

## KENTUCKY

After years of planning, discussions, and some roadblocks, the division will be moving in August to a new facility. The new building will be shared with two other divisions. We will have all new laboratory facilities, meeting rooms, and plenty of parking. After being in this location for 35 years, our staff is looking forward to the move.

We now have 30 inspectors who have completed the training on the pentop computers and are using them in the field. They are entering device, package, and price verification data in the field and then emailing the reports to the office. Field supervisors are now communicating with inspectors by email. The inspectors have realized how the computers can help them do their jobs and have taken the initiative to learn how to utilize them to utmost. The Department's Information & Technology division and our computer project have been nominated for two national awards. The Department will be and is being used as the benchmark for other Kentucky State agencies that will be using computers for field data entries.

We recently received and put into service two more slip on service station units. That brings the total to four now across the state that we rotate between inspectors. The inspectors love them. They can not wait to get to use them and ones that have them, don't want to give them up.

We are looking forward to seeing everyone in Lexington September 29 through October 3. Please contact Randy Wise if you need anything concerning the conference. †

## MARYLAND

- During June 5-7, 2001, a grain moisture meter technical training course sponsored by the NIST Office of Weights and Measures (OWM) was held at our facility. The instructor for the course was Gloria Diane Lee of NIST who was assisted by Aaron Webb of the Maryland Weights & Measures Staff. The purpose of the training was to promote uniformity in moisture

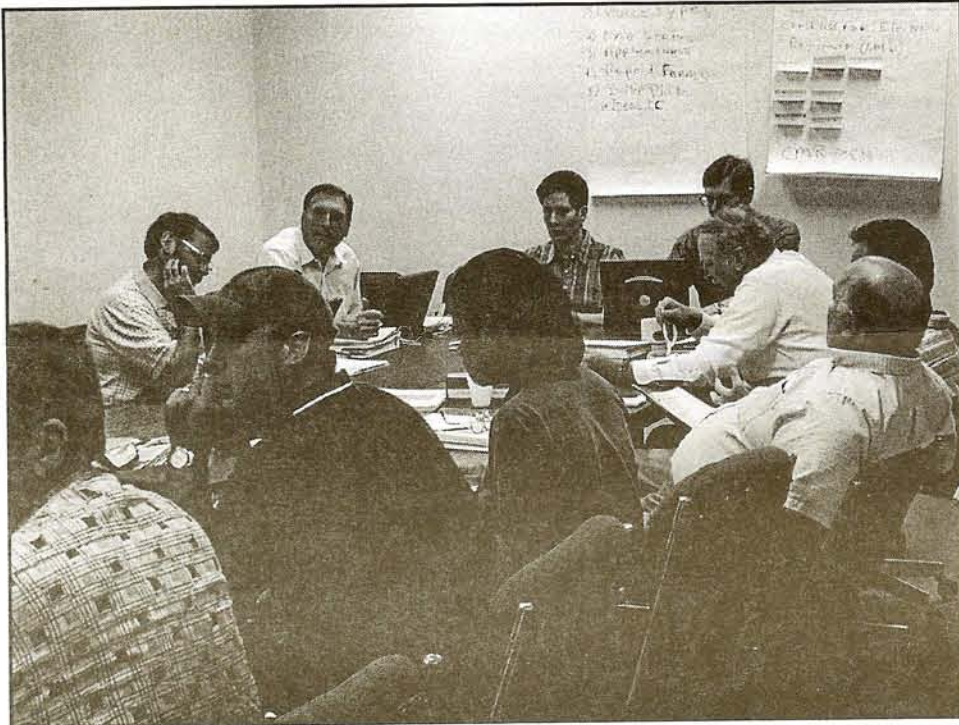


measurements and grain moisture meter inspection; and, to provide Weights and Measures officials with the technical training necessary to operate a grain moisture meter program. The training class focused on laboratory procedures and field inspection of grain moisture meters that meet NIST HB 44. Representatives from thirteen states attended the class.

- During June 10-13, 2001 the National Type Evaluation Program (NTEP) 2001 laboratory meeting and training was held at our facility. The meeting was attended by representatives from the four full participating laboratories, five field laboratories, Measurement Canada, the NIST Force Group, NIST OWM, and the NCWM headquarters. During the four day meeting the group addressed: the NTEP administrative process, administrative procedures, test procedures, technical issues, inter-laboratory comparison testing, quality manuals and ISO Guide 17025.

Period	Highest # of Devices	Highest Overall Production Rating
Dec 00	Bob Fisher	Bob Fisher
Jan 01	Barb Miller	Barb Miller
Feb 01	Bob Fisher	Bob Fisher
Mar 01	Bob Fisher	Chuck Coleman
Apr 01	Mike Frailer	Rick Bristow
May 01	Rick Bristow	Rick Bristow
Dec 00 - May 01	* Bob Fisher	*Chuck Coleman
Jun 00 - May 01	*Barb Miller	*Rick Bristow

\* Received Award "Day Off"



- On June 14, a review and inspection of vehicle tank meters and LPG meters was conducted. The session on vehicle tank meters was conducted by Field Supervisor Gene Baumann and Inspector Bill Hall. The session on LPG meters was conducted by Program Manager Will Wotthlie and Field Supervisor Ken Ramsburg. The training sessions were followed by a cook-out attended by Maryland Department of Agriculture Secretary Hagner R. Mister, Deputy Secretary Brad Powers and Assistant Secretary Robert Halman. Our staff enjoyed the opportunity to informally meet and interact with these gentlemen.

**RECENT CIVIL PENALTIES AND COURT ACTIVITIES**

- During June 13-14, 2001, we had a training seminar/staff meeting for our staff at our facility in Annapolis. On June 13, a driver training class was conducted by Program Manager Dick "Crash" Shockley during the morning, and presentations on various subjects were given in the afternoon by Chief Lou Straub and Program Managers Bob Eaves, Will Wotthlie, Andrea Buie-Branam and Dick Shockley. Certificates of appreciation were awarded to employees who inspect the highest number of devices and have the highest overall production rating during the monthly, six month, and 12 month periods. The recipients of the six month and 12 month award also receive an award "day off". The certificates were presented by Maryland Department of Agriculture Assistant Secretary Robert Halman. The employees who received the certificates are as follows:
- On May 15, 2001, we received \$500.00 for a civil penalty assessed against Food Lion #1162, Frederick, MD. The civil penalty was assessed due to short-weight violations found during routine package inspection performed at the establishment.
- On May 24, 2001, we received \$1,000.00 for a civil penalty assessed against Fresh Fields Market, Annapolis, MD. The civil penalty was assessed due to short-weight violations found during routine package inspection performed at the establishment.
- On June 8, 2001, we received \$150.00 for a civil penalty assessed against Frases Country Butcher Shop, Easton, MD. The civil penalty was assessed due to short-weight violations

found during a routine package inspection performed at the establishment.

- On June 19, 2001, we received \$1,000.00 for a civil penalty assessed against Pre-Mix Industries, Clinton, MD. The civil penalty was assessed due to short-weight violations found during a routine package inspection of bags of various concrete mixes performed at the establishment.
- On June 19, 2001, we received \$250.00 for a civil penalty assessed against Food Lion #1535, Upper Marlboro, MD. The civil penalty was assessed due to short-weight violations found during a routine package inspection performed at the establishment. ☪

## MEMPHIS TENNESSEE

With its utilization of the best technology available, the **Memphis Weights and Measure Bureau** is no longer the City's best-kept secret. This department which is under the direction of the Motor Vehicle Inspection Bureau has been in existence for thirty-three years. The bureau is responsible for the registration and certification of commercial devices such as fuel dispensers, scales, and taximeters to ensure fair trade in commerce. The bureau has four inspectors, Wesley Berry, Sharon McGhee, Debra Moore, and Patrick Moorhead. These inspectors register and verify the accuracy of more than ten thousand devices annually. Some of their other duties include the verification of taxicab meters, price verification, package checking in grocery stores and the handling of consumer complaints. The bureau also coordinates inspections and training with Shelby County Weights and Measures and the State of Tennessee Department of Weights and Measures.

In 1999 the bureau moved into the new millennium utilizing new technology to help inspectors perform these tasks. Equipment such as field laptops, printers, scanners, scales and WinWam software were purchased to computerize these tasks, which had been performed manually in the past. Methods to disseminate consumer information to the citizens of Memphis and the world via the Internet are currently being developed. All the inspectors are members of the Southern Weights/Measures Association and the National Conference of Weights and Measures.

Mrs. Mary McIntire and Ms. Karen Wortham comprise the office staff which handle phone calls, mailing, invoicing, and accounts receivables for the department. The offices are located at 590 Washington Avenue in downtown Memphis and Terence McBride is the Manager of Weights/Measures and the Motor Vehicle Inspection Bureau. The bureau number is 901.528.2947 and email address is [tmcbride@memphis.magibox.net](mailto:tmcbride@memphis.magibox.net). ☪

## MISSISSIPPI

### Petroleum Division

The Petroleum Division would like to take this opportunity to thank Carl Decker and the Louisiana Department of Agriculture and Forestry, for calibrating our state cans.

Sometime in the near future, the division will begin a joint project with the Mississippi Department of Environmental Quality. We have been asked to assist with the locations of underground storage tanks with the help of a Global Positional Satellite System. The inspector will perform this task as part of his routine inspection. The system to be used will be a handheld unit and will display latitude and longitude. ☪



## NORTH CAROLINA

In the last newsletter we reported the state was having difficulty meeting its obligations. Things haven't gotten any better. Currently the legislature is trying to put forth a budget for 2001-03. While we do not know the final numbers, we do know that the department will lose at least 31 positions and about a \$1 million more in operating money. We will do whatever is necessary to make things work as smoothly as possible with fewer resources.

Cliff Murray and Tal Anderson attended two weeks of Basic and Intermediate metrology training at NIST in June. We had not intended to send Tal, but an off the job back injury to Cliff resulted in plans having to change. Because of Cliff's lack of mobility and pain, we had to turn the trip into a two-man operation. Cliff has been in a great deal of pain and everyone appreciates his efforts during a very trying time. Val Miller recently paid us a return visit. He was here to help Cliff get his bearings and to review documentation for the upcoming NVLPA audit. The audit is scheduled for June 25 and 26. Everyone will be glad when this long process is over even though it has been an opportunity to prove our abilities and to learn where we can still make improvements.

Cheryl Tew reports that it's going to be a bad wheat year in the state. Apparently a late season cold spell came at precisely the wrong time for wheat kernels to develop. Cheryl attended the grain moisture training program conducted by Diane Lee of NIST at the Maryland Metrology Lab. This was a valuable and rare opportunity for many grain moisture metrologists to get together for training and to compare notes.

The Motor Fuels Section has recently promoted Ken Elliott to the position of Field Supervisor. Ken has been a Field Chemist for 28 years and is looking forward to his new duties. In addition to supervising and working with 10 field chemists, Ken will continue to do complaint investigations and draw lab samples as needed. He will also spend time at the lab helping the supervisory staff.

We are in the process of replacing the Raleigh mobile lab. The current truck is 10 years old and is starting to show its age. The new truck is on site but we need to move the equipment over from the old one. The new truck has a generator, 3 exhaust fans, paneled interior walls and an aluminum and fiberglass body. We hope to have it on the road in a couple of weeks. This is the last of 11 mobile labs to be replaced.

June means vapor pressure season in North Carolina. Seven counties and parts of 2 others fall under the EPA mandated program to use 7.8-psi gasoline from June 1 - September 15; the rest of the state uses 9.0-psi gasoline. Several terminals brought samples to the laboratory to be sure they were in compliance prior to the control period. While we do find some violations, these are usually due to slow sales (primarily premium) and few deliveries to a location as opposed to improper deliveries within the control areas.

This month we will begin to replace the control panels on 4 octane engines and 1 cetane engine. Some of our engines have been in service since 1954 and the wiring is degrading. The 5 panels are on site and 2 of them should be done this month. We

have just completed the replacement of the exhaust piping on all 5 engines. We are now using PVC pipes and fittings. This immediately improved the vacuum on the MON engines from 0.5-psi to an average of 6.0-psi. The steel pipes we removed had a lot of internal corrosion; some of the breather pipes were almost completely clogged.

The Measurement Section, due to budget restrictions, has been dealing with vacant positions and a hiring freeze. We hope to fill these positions at the beginning of the new fiscal year. Employee training still moves ahead in all areas of work, although we have to watch travel expenses very closely. Additional training will take place during the new fiscal year. Inspectors are giving their best efforts while following the restricted travel guidelines. Unfortunately consumers are not taking pity on us. As the price of gasoline continues upward, we receive more calls from the motoring public. Most of the calls involve measurement issues. Our inspectors are asked to give these calls top priority.

The last of two new Dodge Series 2500 replacement cab and chassis for our multi-product dispenser test units has finally been put on the road. These are in addition to the completely new multi-product test unit that hit the road earlier in the year. The new unit replaces one of our original prototype multi-product units. All are working well and it is really nice to finally have these units on the road.

We are presently checking scales used at cucumber buying stations in the eastern part of the state. We are also preparing for scale inspections during the upcoming tobacco season. This season will be much different because so much tobacco will be sold through direct contract rather than the traditional auction market. The scale testing for both the burley and flue cured tobacco markets will begin shortly.

For the LP-Gas Section the big event of the spring was the National Propane Gas Association Southeastern Convention and International Exposition in Atlanta this past April. We were on the lookout for the new hot item that might be available out on the show floor. There were not any new items as far as technology goes, but there were several new slants on existing products.

During the convention many issues were brought forward and there was an abundance of information exchanged. In response to a request, Richard Fredenburg made a presentation to managers of a propane company operating both in North Carolina and a neighboring state. This presentation concerned changes to the NFPA 58 LP-Gas Code and our approach to enforcing these changes.

The highlight for Richard was a meeting of five state LP-Gas administrators (and one UL representative) to discuss problems and solutions for propane safety in the respective states. This was an excellent session for sharing information. If someone from your state would like to be included in this informal "association" of safety and weights and measures officials, please contact Richard Fredenburg at 919-733-3313 or e-mail him at richard.fredenburg@ncmail.net.

There has been a flurry of activity getting ready for the new requirements of the *LP-Gas Code* and getting the information out to the companies. One of the new requirements with a considerable impact on the industry is a written fire safety analysis for all bulk storage facilities. Some dealers have questioned this requirement. Richard has conferred with the NC Board of Examiners for Engineers and Surveyors and they have determined that a professional engineer licensed in North Carolina must do this analysis. The basis for this ruling is that the fire safety analysis constitutes the practice of engineering and ensures the health and safety of the public.

Richard recently made a presentation about frequent LP-Gas safety violations to a group of propane company owners and managers. This safety seminar was sponsored by the state LP-Gas association. Some safety violations are continuing to occur. The failure to use chock blocks when parking trucks and failing to inspect and replace delivery hoses are prime examples. The Standards Division is taking a closer look at tracking these violations and bringing companies into compliance.

There have been many requests to add additional bulk propane storage throughout the state this spring. In the last sixty days or so we have received about 35 requests for additional storage at existing sites and for new sites. A large number of these sites are on farms for tobacco barns and greenhouses.

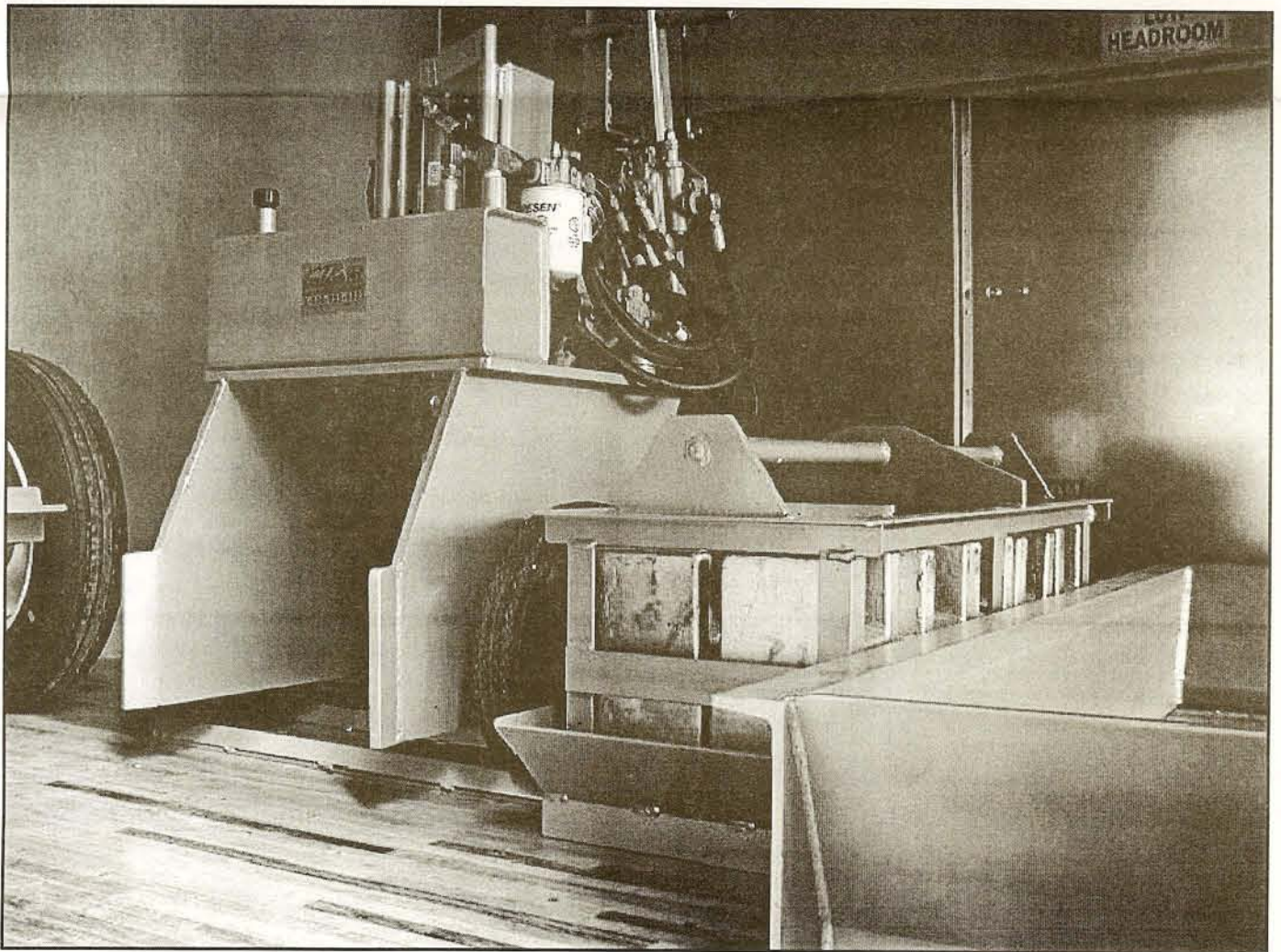
Lastly, everyone is excited about Ron becoming NCWM Chairman in July. He takes over during a difficult time for weights and measures programs (and private industry too). Ron is up to the task, but he is depending on everyone's cooperation and hard work. ♣

## TENNESSEE

Our long awaited large scale testing unit arrived and put in to service on June 1, 2001. This unit, built by Kanawaha Scales and Systems, Poca, West Virginia will be stationed in Middle Tennessee and be covering approximately 25 counties. John Holt and Gary Mills of Kanawaha Scales were very helpful during both the construction of this unit along with assisting us in training and operation. Thanks Gary and John!

Bob Williams and Randy Jennings anticipate being in attendance at the National Conference on Weights and Measures in July. This annual meeting which will be held in Washington, D.C. this year will be one of the most beneficial as a number of very important issues will be discussed by the committees and presented to the entire conference.

Thomas Smith, State Metrologist, recently attended a Grain Moisture Meter Seminar at the Maryland Weights and Measures Laboratory. Tom brought a considerable amount of infor-

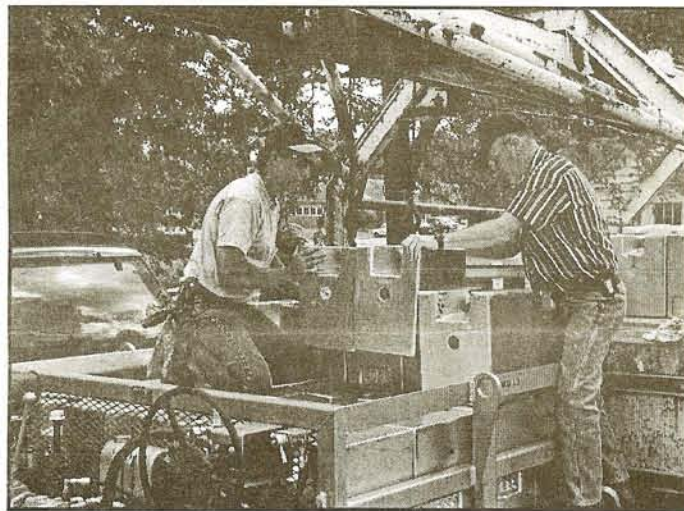
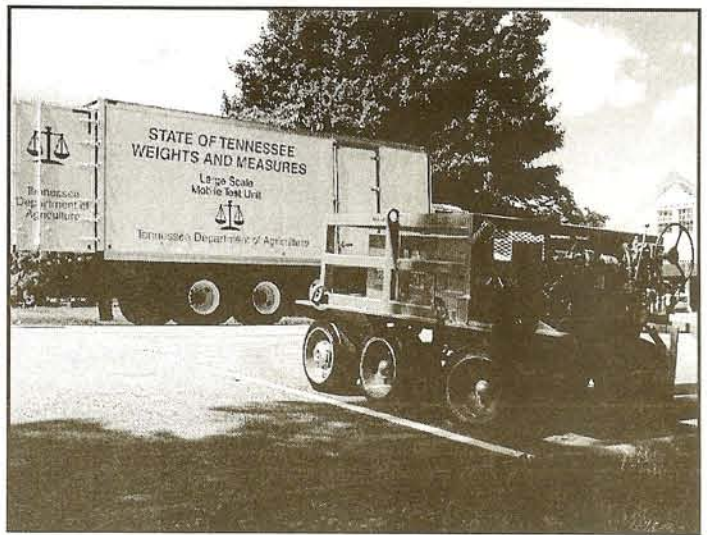


mation home with him and hopes to incorporate much of it into his preparation and monitoring of grain samples.

Bob Williams recently attended the eCommerce Workshop at NIST with several other jurisdiction representatives along with several individuals from the private sector who are involved in this very important and growing area of business in the United States. Thanks to Tom Coleman and the other NIST staff members who organized and planned this workshop as it was very well worthwhile for those in attendance.

Several sizeable civil penalties have been levied over the past few months, particularly on 50 LB+ size containers along with price verification violations. Some establishment representatives have requested informal settlement discussions to present their side of the applicable matter.

We will be meeting with our inspectors in July to discuss a number of issues along with issuing their device inspection forms.



**Contact SWMA**

The SWMA Newsletter is published quarterly. Annual dues are \$25. Membership inquiries should be directed to: N. David Smith, SWMA Secretary-Treasurer, NC Department of Agriculture & Consumer Services, P.O. Box 27647, Raleigh, NC 27611 Phone: 919-733-3313 E-Mail: David.Smith@ncmail.net www.swma.org News may be submitted to: SWMA, Bill Brasher - Newsletter Editor, 1904 Mission Road, Birmingham, AL 35216. E-mail: wdbrasher@mindspring.com

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