



# Southern Weights & Measures Association

92nd Edition

SWMA Newsletter

January 2003

## SWMA News From The Past

### Bob Eaves, Historian

- The 10<sup>th</sup> Annual SWMA Conference was held in the St. Charles Hotel, New Orleans, Louisiana from October 30 to November 2, 1955. Fifteen (15) member states were represented, as well as eight (8) other states. The total registration for the conference was 292.
- During 1961, it was reported that: inspectors in Virginia are making a drive on short-weight dog feed; the model law was adopted in Tennessee in it's last session of the legislation; in South Carolina, William L. Harrelson deals with the popular subject of moisture in hams; in Kentucky, the largest fine ever assessed against a grocery store manager for short weight was \$1,100 with \$77 in court costs; Louisiana will soon institute statewide farm milk tank inspections; in North Carolina, C. D. Baucom reported that the cost per person for weights and measures is 2.85 cents annually; and Richmond, Virginia has completed a new 1-1/4 mile taxi course.
- During 1980, a West Virginia "bust" team of inspectors Ken Butcher, Frank Allison and Steve Casto was responsible for 14 arrests and prosecutions of precious metal dealers in the Charleston and Huntington areas for using unsealed and improper weighing devices. ⚖

## JURISDICTIONAL NEWS

### DELAWARE

Striving to keep up the highest level of service while cutting an already barebones budget has basically occupied all the time of the Delaware Weights and Measures staff - nothing new to most Weights and Measures sections. However, due to the wise stewardship of Governor Ruth Ann Minner, Delaware has been able to find enough funds to forestall tax hikes and layoffs, and maintains it's triple-A bond rating.

The Weights and Measures section was able to get one-time funding to replace our obsolete 100 gallon LPG prover. The circa 1966 prover had finally reached the point where repair parts were nowhere to be found. Our only options were to replace it or end the LPG inspection program. The new prover

has electric levelers and hose reels, and a higher capacity pump. It will be on the road as soon as our inspection vehicles are wired appropriately, provided the weather cooperates.

The subject of Device Fees will be brought up once again in the Delaware Legislature as a means of funding new positions. This is seen as a means to accommodate the ever- increasing workload of the section. The Department would like to put three new inspectors on the road to give better coverage to our current programs, and to expand our oversight to some new areas. We've received some very encouraging comments from the parties involved, and look forward to having this legislation passed during the next session. ⚖

### FLORIDA

The Bureau of Weights and Measures conducted another holiday sales price verification sweep during the first week of December. Field staff conducted stratified inspections, randomly selecting half of the samples from regularly priced items and half from sales items. Of 55 stores inspected using the national procedures that are adopted in Florida, 51 stores met or exceeded the 98% accuracy standard. The four stores that failed had excessive undercharge errors while no stores failed for having excessive overcharges. Overall, less than 1% of the 2,725 items scanned at more than the lowest posted price while 1.8% scanned at less than the posted price. A press release was issued by Commissioner Charles Bronson commending stores for the high compliance rates while still cautioning consumers to continue to monitor prices charged when shopping.

Senior Metrologist Mike Cook, Metrologists Paul Gentry and Davis Terry and Lab Technician Greg Besoiu were awarded a Davis Productivity Award for their work in enhancing the productivity of the Metrology Lab. Davis Productivity Awards are a joint effort by the private organization Florida Taxwatch and the State to recognize innovation, dedication and excellence in performance by state employees.

NVLAP conducted an on site assessment of the Florida Metrology Laboratory November 7 & 8. The laboratory has applied for NVLAP accreditation and was fortunate enough to receive funding from the legislature last year to install an improved environmental system to monitor and control conditions in the calibration laboratories.

Florida will be hosting the Southeastern Measurement Assurance Program (SEMAP) March 9-14, 2003 in Pensacola

Beach. For more information please feel free to contact Paul Gentry at 850/488-9295 or by email at [gentryp@doacs.state.fl.us](mailto:gentryp@doacs.state.fl.us).

Inspectors have recently been testing truck mounted mass flow meters used by a company to sell cooking oil to restaurants. We were unaware of this type of commercial use of truck mounted meters until we were contacted by a customer questioning the accuracy of the meters. The meters found initially were not NTEP approved or legal for commercial use, although the company had legal scales and procedures in place to monitor meter accuracy. The company has now installed equipment with NTEP CC's for such an application. Information indicates that this practice may be more widespread than originally thought and is taking place in other states as well.

We wish everyone a happy and safe New Year, and hope you resolved to travel more this year, especially to warm and sunny places geared to entertaining guests of all ages. ☪

## MARYLAND

- On December 12, 2002, we had a staff meeting at our facility in Annapolis, complete with a cook-out lunch. Presentations to the staff were given by Chief Lou Straub, and Program Managers Dick Shockley, Will Wotthlie and Bob Eaves. Certificates of Appreciation were given to Inspectors Rick Bristow, Chuck Coleman, Mike Frailer, Bill Hall, Bill Troup and Aaron Webb for inspecting the highest number of devices and/or having the highest overall production rating during the last six monthly periods and an award "day off" was given to Inspector Chuck Coleman for having the highest overall production during the last six month period and Inspector Mike Frailer, who inspected the highest number of devices during the last six month period.
- Robert L. Ehrlich, Jr. was elected Governor of Maryland, and takes office on January 15, 2003. Mr. Ehrlich becomes the first republican governor in Maryland since Spiro Agnew, who became Richard Nixon's Vice President in 1968. We do not know how the new administration will effect our section and the Maryland Dept. of Agriculture. The State of Maryland is facing a deficit next year projected to be from 1.2 - 1.7 billion dollars and has a 550 million dollar deficit this year. Our section is facing severe budget problems and we are hopeful that some kind of solution can be found to help our situation.

### Recent Civil Penalties and Court Activities

- On January 7, 2003, we received \$750.00 for a civil penalty assessed against Giant Food #54, Silver Spring, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment. ☪

## North Carolina

As the Standards Division and the NC Department of Agriculture and Consumer Services move into 2003, the budget fog continues to roll across the "Old North State". Plans are being made for additional budget reductions during the 03/05 biennium. The department is being asked again to prepare for cuts

and work up reduction plans from 7 to 11 percent. Even with some successes in promotions and a few new hires to fill critical positions, other vacancies must remain unfilled to help with overall department reductions. It has become quite a balancing act. The state is still looking at another \$2 billion plus shortfall beginning on July 1, 2003. The division has been fortunate that it has not been all doom and gloom. Jerry Butler was promoted to the program manager's position for the Weights and Measures Section in October. John Gurkin was promoted to Weights and Measures Field Supervisor for our eastern region in December. Congratulations go out to these very dedicated individuals. With the retirement of Chief Deputy Commissioner Weldon Denny, the department went through another reorganization to fine-tune the overall operation. David Smith was promoted to one of two positions at the deputy commissioner level. Assistant Commissioner Mike Blanton was promoted to the other deputy commissioner position. Jim Cummings was promoted to Assistant Commissioner and will be over the division group that includes Standards. This group also includes Food and Drug, Agronomics, Plant Industries, Structural Pests and Research Stations. Jim will report to David concerning activities within Standards. Congratulations also to these highly experienced and dedicated members of senior management. The division was also fortunate to fill two critical positions that have been vacant for over a year. The fuel chemist position on the coast in the Jacksonville area and the gasoline and oil inspector position in the north central part of the state. With a few retirements adding to the remaining vacant positions, 2003 will continue to be a high wire act. The division may have to give up some more to help with the bottom line. As sections have in the past, they will also have to "Wolfpack" certain regions of the state to maintain inspection rates and presence. As we have said before, stay tuned.

We hear from Ron Murdock on a regular basis and he is doing as well as can be expected. He really appreciates the calls and cards that folks have sent his way. We have included his address in previous updates and will do so again. His address is 2008 Scott Court, Clayton, NC 27520.

The Weights and Measures Section continued to place a strong emphasis on consumer requests and complaints during this last quarter as they have for the year. Concerning the inspection work for all of 2002, more than 2 million devices and packages were inspected with an average failure rate of 6.59%.

On a much sadder note our hearts go out to the family of William R. "Bo" Nelson. Bo lost his fight with cancer in November of this year. He was an excellent inspector, trainer and truly one of the "Good Guys". Bo was an important part of this department and a friend to all. He will be greatly missed.

The new vehicle tank meter calibration truck is now on the road and doing well. With the equivalent of nearly 400,000 miles of engine time, including road and prover pump back time, this vehicle served us well. As was mentioned in past updates, the section hopes to replace another calibrator's truck in 03. This will put our statewide fleet of four in good shape. The section will still have to continue to monitor travel, operating expenses and equipment purchases very closely over the next couple of years but everyone has company in this area. The section is still waiting on the new Dodge multi-product dispenser

test unit. As reported last time, this work was held off due to budget concerns. The plan is to have it on the road in the next month or so.

The Motor Fuels Lab is still waiting on the OSHA Consulting Inspection. Scheduling conflicts with the NC Department of Labor are still the issue. As with us, other state agencies are working with less personnel and resources.

The lab has been upgrading some of the ventilation/fume hood systems in several lab areas. They are expecting 2 new automatic distillation units in the next few months, which will require a new fume hood as well. Equipment replacement has been slow this year, as the budget was not approved until October. The section has now added a seventh Zeltex portable octane analyzer. This allows for five analyzers to be shared by ten field inspectors with one at the lab and one to use as an exchange when field units need adjusting. In some areas of the state, over 50% of the retail fuel outlets are using a single hose multi-product dispenser or blending system. The ability to test octane on site with the portable units has become more critical.

The section and division would like to take this opportunity to welcome Allison Stockweather to the field staff. As this update goes to press, Allison will be in training for the motor fuels chemist position in the Jacksonville, Wilmington, and Morehead City region. Her last position with a private contractor for the Department of Defense involved inspection of underground storage tanks for compliance. Allison also represented the Marine Corps on these issues when other agencies were involved.

The lab is in the process of filling the General Utility Worker position. This position has been vacant since September due to a retirement. The lab manager and supervisor have been busy filling in to get the work done.

The big news update from the Standards Lab is the ice storm that rolled in during the first week in December. This did significant damage to the landscaping on December 4 and 5, 2002. The Standards and Motor Fuels Labs were without power for almost two days. Electrical surges probably contributed to one of the HVAC circulator pumps burning out at Standards. This contributed to several additional days before the lab was fully functional. There was plenty to do, however, since limbs from the Bradford Pears completely blocked the drive and sidewalk.



The River Birches were significantly damaged. L.F. brought his chain saw in and cut up the branches blocking the drive and sidewalk. The metrologists hauled approximately 10 truckloads of branches to the curb. As this news goes out the lab still has a wall of limbs piled out front. There are still many trees in the Raleigh area with broken branches and trunks. The ice was tough, but it wasn't an adequate test of the new roof snow guards at the Standards Lab. The wait is still on for the big test. If the weather patterns come through as predicted, the wait may not be long.

A combination of factors has delayed the lab's annual recognition submittal to NIST OWM and accreditation submittal to NIST NVLAP. Cliff and L.F. are finishing up the packages this week. The management review with Winston will be complete and we will have sent the packages to NIST by the time this goes to press. This year's submittal will include a newly adopted revision of the lab's Quality Manual. This revision includes significant changes that address ISO 17025 requirements and reflect the correction of NVLAP audit deficiencies. Most of the changes have been in affect for a while, but are now being formally adopted.

The lab is working on the purchase of a 10 kg x 0.1 mg, 100 g x 1 microgram and several other mass comparators again in hopes the budget will not be cut before they can be purchased as happened last year. These comparators will replace aging comparators that are proving to be hard to maintain and impossible to repair. The display board that was just replaced in the Sartorius 2086 (2 kg x 0.1 mg) is the last in existence and was found covered with dust on a back shelf in an obscure corner of a mass lab at Sartorius in Germany.

L.F. will attend the NCWM interim meeting with Winston in Jacksonville, Florida representing the NCWM Metrology Working Group. The working group designation is a change from the previous subcommittee designation as recommended by NCWM Chair Ross Anderson and the NCWM BOD. The group agrees that this designation better describes the function of the metrology group within the NCWM and is glad to still serve the NCWM in this time of change.

L.F. is working with Dan Newcombe (Maine) and the other members of the Metrology Working Group to put together the semiannual State Laboratory Program Workload Survey for 2003. They hope to have this distributed by end of January.

The LP-Gas Section and Richard have been busy working on and implementing a new temporary rule that expands on the general statute about who can fill propane tanks. The statute has said for years that a new supplier taking over a customer must notify the previous supplier before disconnecting the tank. The North Carolina Propane Gas

Association requested through a state legislator that the notice be required to be in writing. Working with the NCPGA, Richard helped developed the wording for a temporary rule and the Board of Agriculture passed it in November with an effective date of January 1, 2003. A sample form was then developed for notifying the previous supplier so that all of the required information would be provided. Richard and his folks will work with this rule and see what changes may be needed for the permanent version.

Richard's presentation to the Professional Engineers of North Carolina, reported on in the last update, was very well received and appreciated. The presentation dealt with the requirements of the alternative to the fire safety analysis (FSA) required for bulk propane storage. This group sent a letter thanking him for his time and efforts.

All for now but we hope that all in the Southern had a Merry Christmas and Happy New Year. 🍀

## South Carolina

Commissioner D. Leslie Tindal, our Commissioner of Agriculture for the last 20 years, will leave office on January 15, 2003. Commissioner Tindal has served five terms as South Carolina's Commissioner of Agriculture and chose not to seek re-election to another term. State Representative Charles R. Sharpe was elected in November to be our new Commissioner. Commissioner-Elect Sharpe has served in the State House of Representatives for the last 18 years and as Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee for the last several years.

Budget reductions still are a major concern in South Carolina. In order to meet our current budget that began July 1, 2002, the Department offered incentives for personnel to retire and/or resign their positions. Due to those incentives the Consumer Services Division lost eight employees in September. The Division has lost eleven employees since January 1, 2002 and, at this time, has eight vacant positions in its Weights and Measure Program. Because tax revenues continued to be less than projected, state agency budgets were again reduced in December. Across the board cuts of 4.5 percent were ordered and another 0.5 percent must be held in reserve. Hopefully, this latest round of budget cuts can be weathered without further reductions in personnel. With our program almost entirely funded by general tax revenue, these budget reductions have had a significant impact on our program and the number of inspections that can be accomplished. This time of economic slow down has been and continues to be a challenge for many of us in weights and measures. 🍀

## TENNESSEE

Where did 2002 go? It seems like only yesterday that we were beginning 2002! Governor-Elect, Phil Bredesen, recently appointed Ken Givens as Commissioner of Agriculture effective January 18, 2003. Mr. Givens served in the Tennessee General Assembly for fourteen (14) years until his retirement from this body in November 2002. He most recently served as the House Agriculture Committee Chairman.

We have recently hired several Weights and Measures Inspectors. Mr. Johnny Rodgers joined our staff several months ago as a large scale inspector. Mr. Joe Fortner recently joined our staff as a LPG/Fuel Meter Inspector and hopefully another LPG/Fuel Meter Inspector will be hired in the near future. We are all glad to finally be fully staffed and look forward to working with these new employees.

As was mentioned in our last article in the SWMA Newsletter, we began charging fees for commercial weighing and measuring devices along with metrology services effective July 1, 2002. For the most part, this has gone relatively smooth with a few isolated problems. There have been a few negative comments but when the rationale was explained to the individuals, most everyone understood and accepted the program.

Our State Metrologist, Tom Smith, has been very busy with the usual requests for calibration services along with preparing the numerous documents for submission to NIST for annual traceability. Tom has also been involved in the Round Robin Program for SEMAP along with developing specifications for new laboratory and field equipment being purchased.

Bob Williams, Randy Jennings and Ed Coleman have been working with our Department of Personnel in rewriting job specifications for the Weights and Measures Inspector series due to a reclassification effective last year. Also, Bob and Randy have had initial interviews with the state's Performance Auditors who are reviewing many of the Department's regulatory programs.

Bob Williams and Randy Jennings have been approved for travel to the interim Meeting in January of the National Conference on Weights and Measures. There will be a number of important and timely matters discussed during this meeting. 🍀

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**SWMA Newsletter**

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