



Southern Weights & Measures Association

112th Edition

SWMA Newsletter

January 2007

JURISDICTIONAL NEWS

FLORIDA

In an attempt to start participating in the SWMA news letter again, but without having anything prepared and running out of time to put something together, we'll start with the program summary from the Department's last annual report. Some of the narratives have been removed since most people reading this newsletter already know things like what commercial devices and prepackaged goods are:

In fiscal year 2006-2007, Weights and Measures conducted 62,973 inspections and accuracy tests on commercial weighing and measuring devices (not including gas pumps which are tested by the Bureau of Petroleum Inspection). There were notices issued ordering 5,059 devices to be corrected that were found to be out of compliance with adopted standards and another 2,035 devices were immediately taken out of service that had excessive measuring errors. The overall, pooled compliance rate for all devices was 88.8%.

Inspectors sampled lots representing more than 341,000 packages. Stop-sale orders were placed on over 48,000 packages that contained less than the stated contents or failed to provide the required information on the label. Many more packages were recalled or relabeled by producers as a result of Department inspections. A risk assessment procedure was developed and implemented in 2006 that enables inspectors to more efficiently evaluate packages for compliance and target packages more likely to be in violation.

Inspectors randomly tested 12,941 items for price accuracy in 217 businesses, primarily grocery, department, discount, drug, building supply and other retail stores. Overall results showed that 1.54 percent scanned at more than the posted price and 1.71 percent scanned at less than the price advertised. Violations were corrected immediately, and 33 businesses that failed to meet the 98 percent national accuracy standard faced additional sanctions and testing.

In the state metrology laboratory, the state primary standards of mass, length and volume were used in comparing and calibrating more than 8,552 mass standards used by state inspectors, laboratories, high-tech industries and commercial scale repair agencies, as well as 739 test measures used to check the accuracy of gas pumps and wholesale meters. (These numbers

were slightly lower than normal as the lab was closed during a portion of the year for HVAC renovation). The laboratory was audited by the National Voluntary Laboratory Accreditation Program in 2007 and again achieved accreditation for providing traceable calibration services.

In other W&M related news, Assistant Bureau Chief Bill Tiller retired after 35 years of service to the Department. Field Supervisor Henry Lopez was promoted to Assistant Chief upon Bill's retirement.

Occasionally the Bureau of Weights and Measures conducts non-W&M related duties in assisting the Department meet its mission. In December 2007, we conducted a statewide survey of toy and Department stores to determine if any of the many recalled toys were being offered for sale. We visited over 150 stores and found only five recalled toys being sold at three stores. The results were provided to the Consumer Products Safety Commission and published in a Department press release. Most stores with electronic scanner systems had safeguards built-in that would notify the cashier and not allow a recalled toy to be sold if it was scanned. The funny thing about all of this is the amount of publicity and the number of calls we received from news media and even legislators. Every day we're out providing our services to assure equity in billions of commercial transactions and nobody seems to care, but find five recalled toys one day at a couple of dollar stores and you're in the news.

Considering the proposed budget cuts in state government, maybe we'll do a few more recalled toy sweeps this year.....

And finally, we sincerely thank Tom Pugh, Tim Chesser and the Arkansas staff for a great Annual Meeting, and look forward to seeing everyone in Georgia in 2008. ☘

GEORGIA

We are winding down the year 2007 with a record drought but with hope of some much needed rain in the new year. Our fuel inspectors have been gearing up for more retail gas stations to start carrying ethanol based fuel. Our fuel lab has also been approved to purchase new testing equipment for ethanol fuels as well as bio-diesel fuels. Our department is committed to help expand the use of new fuel sources and support the 25/25 plan. We have revised our fuel laws a bit to help the oil industry intro-

duce more ethanol based fuel into the Georgia economy. Our Fuel Oil Lab Director David Au has been working diligently to help get our state and state lab facilities ready for the ethanol and biodiesel fuels that are being introduced into the state.

Our WinWam program has been in place for over 3 years now and we now have all of our inspectors both fuel and weights with computers in the field and are fully using the program. We have received Verizon cell phones for all of our field inspectors and a few of our lab and office personnel. This cuts down on the turn around time from the time the office receives a complaint or request to the time the inspector receives the call to work the complaint or request in the field.

We will be adding a new fuel inspector on in Clayton Co. /metro Atlanta area after the first of the year. Elroy Carey will be responsible for over 170 retail gas stations in his territory. Jerald Richard, the former fuel inspector of Clayton Co. has been promoted to Lab Technician at our Fuel Oil Lab.

Our Weights Inspectors have received some new Class 3 precision kits to assist them in checking law-enforcement scales. These scales will be checked on request basic only due to them being non-commercial devices.

We are hoping that during the year we will be getting some newer vehicles to replace some of our aging ones. Our legislature will be going back to work on our new budget in the following weeks. We are hoping for the best when it comes to the Agriculture budget getting appropriate funding to do our duties. †

MARYLAND

We welcome Mike Frailer as our new Packaging and Labeling Program Manager. Mike filled the position left vacant by Bob Eaves retirement last March. Mike has over 25 years working experience as a field inspector. Mike also took over Will Wothlie's duties as the NTEP Measuring Device evaluator two years ago. He is a welcome asset to our office staff and packaging program.

On October 12, 2007, our large vehicle scale/general inspector, John Barton, resigned from his position in Maryland and accepted employment with NIST Weights & Measures. Thanks to John for his 20 years of service with Maryland Weights and Measures. This brings the count to seven individuals from Maryland who went to work for NIST, for those of you who are counting.

We are proud to announce the arrival of a new vehicle scale test unit. The test unit is a Kenworth truck with an automatic transmission and straight body. The test unit was fabricated by Tiffin Crane of Ohio. Our inspector (Chuck Coleman) is quite pleased with the unit and says it was worth the wait.

Additionally, we are pleased we were able to purchase eight new small package testing scales, which replaced the original K-tron digital package testing scales. All eight scales were placed in the field and have performed to our satisfaction and expectations.

We received a consumer complaint accusing a truck stop of not delivering the correct amount of diesel fuel. Upon our investigation, we found the dispenser over-registering/shorting

the customer by 20%. We placed the dispensers out of service, and continued the investigation. We then determined the period of use and the parties that were entitled to a reimbursement. In completion of the investigation, it was determined that 97 firms were involved, with a total of 306 individual transactions which totaled \$19,487.49 in restitution payments. Does Weights and Measures matter?

The following is a list of Maryland firms that were found in violation of Maryland W&M law and were assessed a civil penalty:

- On August 7, 2007, we received \$1500.00 for a civil penalty (2nd violation) assessed to Giant Food #357, Bethesda, MD. The civil penalty was assessed for short weight packages.
- On August 13, 2007, we received \$ 250.00 for a civil penalty assessed to Chipman Relocation, Upper Marlboro, MD. The civil penalty was assessed for use of a condemned device
- On August 14, 2007, we received \$250.00 for a civil penalty assessed to Ceriello's Baltimore, MD. The civil penalty was assessed due to a short weight test purchase.
- On October 9, 2007, we received \$250.00 for a civil penalty assessed to Fresh Pride Store # 119, Berlin, MD. The civil penalty was assessed due to price verification violations.
- On October 18, 2007, we received \$2000.00 for a civil penalty (2nd violation) assessed to Giant Food # 327, Bethesda, MD. The civil penalty was assessed for short weight packages.
- On November 6, 2007, we received \$750.00 for a civil penalty assessed to Giant Food #336, Wheaton, MD. The civil penalty was assessed for short weight packages.
- On November 6, 2007, we received \$750.00 for a civil penalty assessed to Giant Food # 161, Gaithersburg, MD. The civil penalty was assessed for short weight packages.
- On November 9, 2007, we received \$250.00 for a civil penalty assessed to Bay Ace Hardware, Rising Sun, MD. The civil penalty was assessed due to price verification violations.
- On December 6, 2007, we received \$750.00 for a civil penalty assessed to Giant Food #111, Columbia, MD. The civil penalty was assessed for short weight packages.
- On December 19, 2007, we received \$2000.00 for a civil penalty (4th violation) assessed to La Mart, Baltimore, MD. The civil penalty was assessed for short weight packages. †

NORTH CAROLINA

Measurement Section

By the printing of this Newsletter, Christmas will have come and gone. We will be trying to get back into the swing of things after the Holiday Season. Too many days off, overeating and just being plain lazy can be hard to overcome. 2007 was a pretty productive year even though our numbers are lower than

the previous year due to both retirements and several inspectors being out for extended time due to injuries or sickness.

2007	Tested	Rejected	Rejection Rate (%)
Retail Motor Fuel Dispensers	99,748	10,691	10.72
Fuel Meters	2,418	502	14.69
Total Scales	24,774	2,764	11.1
Price Scanning Systems	1,824	278	15.24
Packages	2,318,440	72,102	3.11
Complaints/ Requests - Total		1,299	
Total Visits		16,792	

61 civil penalties were issued for price scanning violations with a total \$119,030.00 collected. The monies were given to the county school systems in which the violations occurred.

Since the last Newsletter, Mike Simonof and Lawrence Hockschwender (known to most as "Biff") have retired after 19 and 9 years respectively of outstanding service. Biff also had many years experience as a Weights and Measures Inspector in Massachusetts. The two of them, along with their weights and measures knowledge and experience, are going to be greatly missed.

Jason Fogleman began work as a Gas and Oil (Standards I) Inspector in the Greensboro area in November. Tony Tilley, a Gas and Oil Inspector in the Winston-Salem area, has been promoted to a Weights & Measures (Standards II) Inspector. A candidate has been selected to fill Mike's position, but we are waiting for his official acceptance before making an announcement.

Motor Fuel Section

We are in the midst of a rule making process to add biofuel specifications and definitions as well as updating other regulations. Ethanol blending has been a hot topic in many of the Southeast states, including North Carolina. We have proposed a permanent and a temporary rule that should encourage the use of more E10 in the marketplace. The permanent rule could be in place by May 1st, with the temporary rule possibly taking effect March 1st.

We have seen the sales of gasoline with 10% ethanol dramatically increase this quarter. The program has only encountered a few phase separation issues with the blends, usually due

to water in the storage tank. Judging from phone calls to the lab, there is an interest in having more of this product available at retail.

Our new GC instrument is in operation. D 2887 Boiling Range Distribution of Petroleum Fractions by Gas Chromatography method is completed. We plan to have D 6584 Glycerin capability soon. We have also received delivery of a new automatic cloud point/pour point apparatus that will be installed in early January.

Stephen and Melissa, our Lab Supervisor, were able to attend the ASTM International meeting in Phoenix in December. It was encouraging to see more state regulators involved in the organization. For years there have been about 5 "regulars" to attend, including 4 of us from the SWMA! I think the final count was 10 different states represented with most of them also attending the NCWM Petroleum Subcommittee Meeting as well.

Standards Lab

The end of 2007 was very eventful for the NC Standards Laboratory. As the time for development and construction around the laboratory comes closer, L.F. has been busy investigating robotic mass comparators that will not complain about working all night and over weekends. He was fortunate to be able to travel to Europe in October along with Ken Fraley (Oklahoma) and see robotic comparators in action at Mettler and Sartorius facilities, the Austrian National Measurement Institute (BEV), the French National Measurement Institute (LNE), and the International Bureau of Weights and Measures (BIPM). The robotic technology currently available for mass calibration is very impressive! Avoiding day time construction vibrations will allow us to continue to meet the Echelon I and II mass calibration needs of our 1,000 plus customers. We should have robotic comparators covering the range from 1 kg to 1 mg in the lab sometime this summer. We feel the considerable investment funded by our legislature will be very worthwhile.

In Paris, the walk to the BIPM (during the French rail strike) was excellent exercise! At approximately 25 miles roundtrip, L.F. figures he has already fulfilled his 2008 New Year's resolution to exercise. It was well worth the walk to meet with Dr. Richard Davis, tour the BIPM, and even view the door (no photo allowed!) leading to the International Prototype Kilogram (IPK). The information gathered during the trip was well beyond what L.F. anticipated or even imagined possible. We owe a huge debt of gratitude to all of our hosts and hope we have the opportunity to return their hospitality in the future.

L.F. and Van were privileged to participate in the NIST Proficiency Test workshop held in Boulder, Colorado in November. This was a very productive workshop! The expertise of the public and private sector participants invited to the workshop lead to significant developments in proficiency testing planning and analysis. These developments will help State Laboratory interlaboratory comparisons continue to meet NVLAP requirements and gain international acceptance. NIST statistical experts made sure that the interlaboratory comparison analysis techniques utilized were statistically valid.

With the New Year there is much to be done. We use the month of January to calibrate all internal mass standards. In ad-

dition, we plan to finish job description updates in order to: seek reclassification of metrology positions based on the new Federal metrology job classifications; apply for the OSHA Public Star safety recognition; and update a budget request for a new Standards Laboratory facility. 2008 promises to be even busier than previous years. It will be impossible to do all we need to do, but a new on-line customer satisfaction survey will let us know how we're doing and help us to carefully evaluate and establish priorities. We wish everybody in the SWMA a Happy New Year.

LP-Gas Section

We now have two new site inspectors in place. Carlton Spruill has replaced Jamie Stokes in the northeastern part of the state. Randy Renfrow has filled the new position that was approved in this year's budget. His territory of 11 counties in the central part of the state includes Raleigh. Both are currently in training and we hope to have them both "solo" in February. †

TENNESSEE

The Tennessee Department of Agriculture recently conducted its annual service award ceremony honoring employees with specific years of service. Dale Drinnon, East TN Regional Supervisor, received his forty (40) year service award. CONGRATULATIONS DALE!!! Inspector Richard Suffridge received a twenty (20) year service award and Warren Friedman received his five (5) year award.

Randy Jennings and Bob Williams will be attending the National Conference on Weights and Measures Interim Meeting in Albuquerque, NM in late January. It is apparent that the automatic temperature compensation topic will be one of the most discussed items at this meeting.

Mr. Craig Rush will be joining our staff in mid January as a Weights and Measures 2 responsible for weights/measures and petroleum quality inspections in a four (4) county area in East Tennessee. Mr. Scott Kelly, LPG and Bulk Meter Inspector in Middle Tennessee, recently transferred to the Tennessee Department of Revenue where he will be responsible for monitoring taxes on a variety of commodities.

It was with mixed emotions that we learned of Tom Coleman's recent retirement from NIST. Tom's knowledge of a variety of weights and measures matters, specifically net weight inspections, will be missed by those of us who called upon him for his expertise in this area. Tom conducted several net weight and price verification schools in Tennessee and we always found them to be very informative. We truly wish Tom the best of luck in his endeavors following his retirement.

The Tennessee Legislature convened in early January with a possible budget shortfall highlighting this session. We currently do not know what, if any, impact this will have on the department. †

Contact SWMA

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