



Southern Weights & Measures Association

88th Edition

SWMA Newsletter

January 2002

DAVID SMITH NCDA&CS Assistant Commissioner Receives National Leadership Award

RALEIGH -- David Smith, assistant commissioner with the N.C. Department of Agriculture and Consumer Services, recently received the Lowrie B. Sargent Jr. Medal from the American Society for Testing and Materials at its annual meeting in Miami. The award recognizes outstanding leadership within the association's Committee D-2, which focuses on standardization issues involving petroleum products and lubricants.

The Sargent award is presented to a committee member or former member who is widely recognized within the committee for his continuing leadership, decision-making strength, personal integrity, and excellent communication and motivational skills.

"I am proud David has been recognized by his peers for his strong leadership skills, expertise and experience within the Standards field," said Agriculture Commissioner Mea Scott Phipps. "David's experience is a true asset to the state. Like David, many NCDA&CS employees are involved on a national level in establishing policies and protocols that are used around the world."

Smith, of Raleigh, has been an active member of the ASTM since 1987 and currently serves on the association's board of directors. He has also served as chairman of the Committee D-2.

Smith joined NCDA&CS in 1972 as a staff engineer before heading the LP-Gas inspection program with the Standards Division. In 1979, he was promoted to director of the Standards Division and served in that capacity until January, when he was named Assistant Commissioner in charge of regulatory and finance programs.

Smith graduated from N.C. State University in 1972 with a bachelor's degree in Biological and Agricultural Engineering. In 1980 he completed the Government Executives Institute Program at the University of North Carolina at Chapel Hill and

in 1985 completed the Duke University Top State Managers Executive Education Program.

The ASTM is one of world's largest voluntary standards development organizations, publishing 11,000 standards each year for metals, paints, plastics, textiles, petroleum, construction, energy, the environment, consumer products, medical services and devices, electronics and many other areas.

Find this story online at

<http://www.agr.state.nc.us/paffairs/release/1201smithaward.htm> ↗

SWMA NEWS FROM THE PAST By Bob Eaves, Historian

- At the 3rd Annual SWMA Conference held in Dallas, Texas in 1948, Four additional states (West Virginia, Kansas, Missouri & Maryland) and the District of Columbia were added to the original 13 member states comprising the SWMA.
- In April 1954, Mr. George L. Johnson, Director of Kentucky Weights & Measures announced that for the first time in the history of Kentucky Weights & Measures, "we are planning to go into the inspection of pre-packaged commodities".
- In 1958, John E. Mahoney, Supervisor of Weights & Measures, Maryland State Board of Agriculture informed members of the Virginia Weights & Measures Association at their Annual Meeting that Maryland had a total of six inspectors in the state. Mr. Mahoney stated that the inspectors Annual Salary has risen from \$2,900 to \$4,500 since the state authorized inspectors five years ago. ↗

JURISDICTIONAL NEWS

Delaware

All has been quiet at the Delaware Department of Agriculture throughout the fall. The big news has been continued dismal fiscal forecasts from the budget office. This has caused another round of trimming the current budget, as well little room for wish list items in next year's budget. Weights and Measures did get in a request for upgrading of our laptop computers and software. Hopefully, the section will receive funds for this project.

Our Weights and Measures inspectors were honored to be chosen "Employees of the Year" by the Delaware Department of Agriculture. Secretary of Agriculture Michael T. Scuse made the announcement at the annual Department Christmas party. This distinction was bestowed upon these men for their tireless efforts on behalf of the consumers in our state. Inspectors Mark Cordrey, Anthony Deserto, Charles Hadley, William Lagemann, and Stephen Nickerson have toiled anonymously over the years to maintain that "level playing field" that we all desire in the marketplace. They have 85 years of weighing and measurement experience between them. These men continue to strive to make the Delaware Weights and Measures program one of the finest in the country. Congratulations to them all for a job well done.

Enforcement Actions

BUSINESS	VIOLATION	COURT FINDING	DISPOSITION
Save-A-Lot Market Seaford, Delaware	sale of a lesser quantity than represented	Guilty	paid \$95.00 in fines, court costs, victims compensation
Acme #7822 Dover, Delaware	sale of a lesser quantity than represented	Guilty	paid \$156.00 in fines, court costs, victims compensation †

FLORIDA

The Weights and Measures field staff assembled in Tallahassee the week of November 5 for the issuing of field laptop computers and training in using the WinWam inspection software. The old device inspection database was officially shut down and the data transferred to the WinWam program. Inspectors are now using the field computers for recording data on device, package testing and price verification inspections. So far, the biggest problem has been printing the inspection reports in the field to issue to the businesses being inspected. We are using Hewlett Packard Deskjet 350 Cbi portable printers, and are experiencing lots of problems including frequently malfunctioning paper feeders and the time required to print a large report. Any information from another jurisdiction regarding solving the field printer problems would be appreciated.

The Legislature met in a special session to address budget shortfalls in November and the Weights and Measures program

lost two more field inspection. While both were medium and vehicle scale testing positions, we are re-assigning certain duties and workloads to assure some level of coverage in all areas of responsibility. Each lost position seems to reduce the efficiency of the remaining resources due to factors such as additional travel requirements. Population and workload growth had already stretched the resources pretty thinly.

We thank Henry Oppermann and the OWM staff for the W&M Administrators Training held in Nashville. The seminar was very beneficial and timely as we address program funding and workload priority issues in Florida.

The program has been investigating two unusual complaints received in December: cardboard moisture testing meters and chitterlings (a.k.a. chittlin's). Apparently many large mills that purchase baled cardboard for recycling use a hand-held moisture probe to deduct weight due to excess moisture, similar to the procedures used when purchasing grain. Suitability of the moisture devices being used in this commercial application is our primary concern. As for chitterlings, which are sold by weight, the USDA apparently has a standard allowing 20% "free water" (or ice when frozen) and uses a "purge" test for determining compliance. The purge test requires thawing and draining the product, but USDA has not been able to provide a written procedure or even a standard drain time for the test. The lots tested are currently under stop-sale based on the results of a Handbook 133 frozen food test procedure. Any information from someone with experience in testing chitterlings could be very helpful in solving this problem.

Weights and Measures conducted another Holiday Sales Scanner Sweep after the Thanksgiving break. Results indicate that retailers continue to improve their pricing accuracy during the holiday sales season. Of 3,325 items scanned during the one week period, 1.5% were found in error. However, most of the errors occurred certain stores as 7 of the 64 stores tested failed to meet the 98% accuracy requirement (4 stores for excessive overcharges). A local television station did a special segment on the sweep during a morning consumer awareness show, and several newspapers in the state printed articles advising consumers to be aware of the prices charged.

We hope you make the very best of your new year. †

Georgia

Curt Williams, Director of the Fuel Lab, recently attended the ASTM Committee D-2 on Petroleum Products December 2-7, 2001 meeting in Miami Beach, Florida. Sunday at the Executive Subcommittee Meeting, David Smith was presented the Lowrie B. Sargent Award. This is a very prestigious award from one of the largest and oldest committees of ASTM. According to Curt: "It was really great to see David honored with this award. He is truly an extremely capable individual and displays an exceptionally talented leadership manner in all of his various affiliations. Of course this is no secret to anyone who has ever been around him. What I have appreciated most about my association over the years (decades) with David is that I can understand what he says and generally, what he means. David, forget about the turtle on the log thing and again, congratulations".

ASTM is now ASTM International. ASTM once meant American Society for Testing and Materials and then it meant ASTM. This was difficult to explain to folks whenever they would ask, "what does ASTM mean". And now "... International". The lab is significantly involved in several petroleum interlaboratory crosscheck programs. Looking at the participants in the October 2001 Diesel Fuel report, countries from all corners of the world were included. "Even David would have trouble pronouncing the names of some of them."

Additional areas of interest were the discussions regarding low sulfur measurement for future low sulfur fuels, fuel lubrication issues and test method development and of course Drivability Index (DI). The possibility of a DI specification for gasoline enforceable at the retail level is moving closer to happening due to actions being taken. Currently there is only a refinery or manufacturing requirement. DI relates to both cold weather vehicle performance and year round environmental effectiveness.

From the Weights Lab

On October 1, 2001 Richard Lewis was appointed to the position of State Metrologist. Harry Loosier; Metrologist II, and his wife Brenda recently spent a week visiting their daughter Laura in New York City. Laura works in Manhattan several blocks from the World Trade Center and she was an eye witness to the September 11 attacks. Kontz Bennett; Metrologist I, attended the NIST basic metrology seminar in Gaithersburg, MD from September 9 - 21, 2001. We recently put into service a new Mettler KA50-2 balance. ☪

LOUISIANA

Ronald Harrell and staff would like to take this opportunity to wish everyone a happy and prosperous new year.

After 32 years of service with the Louisiana Department of Agriculture & Forestry, Ronnie has decided to retire. He has enjoyed a distinguished and challenging career moving up through the ranks during his tenure. His official retirement date is April 5, 2002. Ronnie was appointed Director of the Weights and Measures Division in 1987. He has been active in the National Conference on Weights and Measures as well as the Southern Weights and Measures Association, serving as President in 1998. His professionalism, wisdom and leadership has been exemplary and will be missed by all of his employees.

Benjy Rayburn will be replacing Ronnie as Director of the Division. Benjy is a seasoned employee of the Department, previously serving as Assistant Director over the Seed Laboratory in the Agricultural and Environmental Sciences Program. We are looking forward to our Programs continual progression under Benjy's leadership.

Assistant Director, Melvin Lyons has transferred from Weights and Measures to the Marketing Division within the Department. Todd Thompson, an Assistant Director formerly with Marketing will replace Melvin. Todd has been with the Department for several years, working in the Weights and Measure Division early in his career. He will also be a valuable asset to our Division.

Weights and Measures has a new Motor Fuel Testing Laboratory presently under construction. It is about 80 % complete at this time and we are looking forward to moving in as soon as possible. We have also ordered 20 new Zeltex portable octane analyzers to enhance our enforcement in the Retail Motor Fuel Program and reduce unnecessary fuel sample shipping to the lab.

Our Inspectors have been concentrating on Price Verification and Package Inspections recently, inspecting approximately 520 businesses monthly. The P V approval verses rejections is 89.19 % to 10.81% with overcharges at 33.40%, undercharges at 35.12% and PND's at 31.48%. Our Package Inspection program currently has an approval rate of 85%. ☪

MARYLAND

- Program Manager Will Wotthlie attended the NTEP Measuring Devices Sector Meeting held in Lexington, KY on September 28-29, 2001.
- The week of September 30-October 3, 2001, Chief Lou Straub, and Program Manager Will Wotthlie, attended the 56th Annual Southern Weights and Measures Association meeting held in Lexington, KY. Lou chaired the Laws and Regulations Committee and Will chaired the Specifications and Tolerances Committee. We appreciate and thank Randy Wise and the Kentucky staff for their hospitality and providing the "Great Weather."
- On October 13-16, 2001, NTEP Program Manager Andrea Buie-Branam, and Jim Price attended the NTEP Weighing Sector meeting held in Albany, NY.
- On October 17, 2001, the following employees received awards for years of service in the Maryland Department of Agriculture: 15 years, Chuck Coleman, Inspector; 30 years, Bob Eaves and Dick Shockley, Program Managers; and 35 years, Gene Baumann, Field Supervisor. The awards were presented by Hagner R. Mister, Secretary of the Maryland Department of Agriculture.
- Chief Lou Straub attended a Weights and Measures Administrators' Workshop sponsored by NIST on October 24 & 25, 2001, in Nashville, TN. Lou indicated that it was one of more interesting and beneficial workshops he has attended. The exchange of ideas and information was valuable to all the participants.
- Chief Lou Straub attended the NCWM Board of Directors meeting October 29-30, 2001, in Raleigh, NC.
- On November 8, 2001, Program Manager Bob Eaves appeared with Steve Hannan, Administrator, Howard County, Maryland Consumer Affairs, on "The Fine Print", a Howard County based cable TV program. Bob was interviewed for 15 minutes on weights & measures activities. The program aired six times a week during the following four week period.

- Chief Lou Straub was invited to be a member of the United States delegation to the 8th Meeting of the Asia-Pacific Legal Metrology Forum (APLMF) that was held November 13-15, 2001 in Auckland, New Zealand. He traveled with Dr. Charles Ehrlich, Chief, Technical Standards Activities Program at NIST. Lou represented the NCWM and provided an update of legal metrology activities in the U.S. Lou reported that he enjoyed this opportunity, but doesn't recommend the 17 ½ hours of flying!
- On December 12, 2001, we had a staff meeting at our facility in Annapolis, complete with a cook-out for lunch. Presentations to the staff were given by Chief Lou Straub, Program Managers Will Wothlie, Dick Shockley, Bob Eaves and NTEP Program Manager Andrea Buie-Branam. Certificates of Appreciation were given to inspectors, and an award "Day Off" was given to Inspectors Mike Frailer and Chuck Coleman. The certificates and awards were presented by Maryland Department of Agriculture Secretary Hagner R. Mister.

Recent Civil Penalties and Court Activities

- On October 23, 2001, we received \$500.00 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.
- On November 5, 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 packages inspection of bags of concrete mix performed at the establishment. ☪

North Carolina

The Motor Fuels Lab would like to welcome Courtney Stanton to the staff. She has accepted the Field Chemist position based in Elizabeth City and covering 17 counties in the northeastern part of the state. She has a strong laboratory background and will be training with our Field Supervisor, Ken Elliott. This is Ken's former territory so she should get quite an education. We still have another field chemist position to fill in the Jacksonville area.

Two new ISL D86 – 5G automatic distillation units will be installed this month; bringing the total we have up to 6. The new units will be put in our General Lab for testing kerosene and diesel fuel. Due to the presence of red dye in most kerosene samples, checking Saybolt color is not possible. We must perform a distillation on each sample to ensure there is no contamination with diesel fuel or #2 fuel oil. While this cross-contamination doesn't occur often, we tend to encounter it as the result of a complaint investigation at a residence (usually after a delivery has been made) rather than at a retail location.

We added another Zeltex portable octane analyzer to our inventory, giving us a total of 6. We keep one at the Raleigh lab with the others being shared by pairs of field chemists. It is still used only for screening, but with the number of blend and/or

single hose pumps on the rise, it has been an invaluable tool. Many of our octane condemnations involve pumps not blending or switching properly rather than the product in the storage tanks. The Zeltex unit lets inspectors check all pumps and nozzles before involving a pump technician. It is also used when the technician is on site to make sure any adjustments that are made are correct.

Some of our inspectors in remote areas of the state have been issued cell phones. We hope to have others on line within the next year; assuming the budget situation does not get worse. This has added an element of communication and security that we have not had in the past. Pagers are being turned in as phones are assigned.

On a sadder note, one of our long-term fuel chemists, Paul Etheridge passed away December 16, 2001. Paul was hired in 1958 as a chemist on one of the mobile fuel labs. He worked the northeastern part of the state. In 1979 he was promoted to a chemist position at the NC Motor Fuels Lab. Paul retired several years ago with over 30 years of service. Paul was truly a fine gentleman in all respects. He had a chemistry degree from the University of North Carolina. He served in the US Army with distinction in the Pacific Theater. His specialty was setting up radar stations in China and other areas of the Far East. Paul is survived by his wife Grace and daughter Sherry.

Concerning our metrology lab, Van and Tal attended NIST Advanced Mass Training October 29 - November 2, and NIST Advanced Mass Hands on Training November 5 - 9. This brings the total to four metrologists (LF, Sharon, Van, and Tal) with Advanced Mass Training. This depth of training will help Sharon significantly in her work maintaining our mass standard traceability and will insulate us from staff turnover, a benefit we hopefully will not need. Dennis Sellmon will join our staff January 2 as the new laboratory helper. We have appreciated the help William Nelms has provided in this area during our hiring freeze. He has done an excellent job of stepping in and maintaining the professional appearance of the laboratory. Thank you William.

Susan Myrick continues to work with our data programs, completing the 5 gallon test measure piece of our system so that our October test measure calibration run reporting was automated. Each customer walked away with an ISO 17025 compliant Calibration Certificate rather than the traditional blue test form that could not be accepted by many states.

Susan is also completing and putting into production a new section of our software system for large volume calibration. Susan also continues to polish our tolerance test program; making it so that it sorts devices in the most logical order for both our metrologists and the customer. Previously, serial numbers had to be sorted outside the calibration program and entered in order for them to be in order on the data sheet. This will eliminate yet another source of error in the transposition of data to the calibration program.

We are implementing new policies on custody transfer of customers' standards (especially weights) to comply with new provisions in our Quality Manual. These changes make it more restrictive on what we are willing to do for customers. Some of the changes are as follows. Work on different days requires dif-

ferent test numbers unless the standards have been in our possession the entire time. If a driver takes a partial load of weights back, there will have to be a completed data sheet and calibration certificate for those weights before they leave the lab since no changes can be made to the data at that point. We will no longer be able to put all of a customer's weights on one test number. Instead, each set or type of weights will be given a unique test number. This will be based on our standard calibration certificate format. These changes, though initially inconvenient (in a few cases) for our customers, will ultimately result in greater uniformity, fewer errors, quicker completion, and in general, better service for all of our customers.

Those of us who go back a few years, will remember Gordon Young and Paul Etheridge (mentioned earlier in this article). Gordon was the Metrologist in the lab as the "New NBS State Laboratory Program" was started in North Carolina in 1969. We owe much of our legacy to his work. Gordon was hired in 1957 as an inspector on the heavy scale test unit. About two years later, he was promoted to metrologist. He retired in 1979. Gordon passed away in early December. Paul, though a chemist, worked closely with LF in the design of the new Standards Laboratory alarm systems and then worked to see that they were installed correctly. The fact that we have never had a break-in and the one mechanical room fire we had was detected and extinguished without damage to anything but the compressor that caught fire, are tributes to the quality of his work.

The measurement section continues to deal with some "frozen" and "lost" positions due to budget reductions. Most of the vacant positions have now been filled. New employee training concerning work and safety issues is ongoing in all areas of our work. Standards inspectors for both gasoline and oil inspection and retail weights and measures programs have been working at their best while on restricted travel during these difficult economic times. As the price of gasoline continues to change, both up and down, we still get many complaints from the public. We give consumer complaints top priority during our day to day activities.

All of the new Dodge replacement cabs and chassis for our multi-product dispenser test units have finally been put on the road. This includes the replacement of an original prototype multi-product unit. All of them are working well.

The big news this year on the LP-Gas side has been a new requirement in NFPA 58 for a written fire safety analysis for bulk storage sites. We have previously reported on this. Because the Board of Examiners for Engineers and Surveyors determined that a PE is required to be involved in these analyses, we decided to work with the industry to define an alternative to the fire safety analysis. We have draft language that will be considered by the Board of Agriculture in January to revise the LP-Gas Regulations. The alternative, in combination with our regular inspections, will accomplish the intent of the fire safety analysis but will be much easier and less costly to accomplish.

Security has been on everybody's minds since September. After inquiries from the FBI about LP-Gas bulk storage sites, we decided to stress the need for security at these sites. We have been reminding operators to keep bulk plants locked when no one is present.

Another concern we are following, and this one deals with measurement, is the practice of dispensing from a propane delivery truck with a new meter that has not been calibrated. We have had two cases this year where the meter was significantly in the dealer's favor. We are working with these companies to compensate their customers and taking steps to try to prevent future occurrences. This problem arises because there are no commercial meter calibration firms in the state.

As many of you know, Ron Murdock lost his wife, Peggy, in November. Ron is back at work and is working hard in anticipation of the NCWM Interim Meeting. Ron thanks everyone for their calls, cards, and prayers. Peggy was a special person whose cheery disposition and bright smile made everyone glad to see her. ♪

South Carolina

Our sincere sympathy is extended to Ron Murdock upon the loss of his wife, and we certainly continue to keep him in our prayers.

The biggest problem we are facing in South Carolina is budget reductions. Our fiscal year runs from July 1st to June 30th, and the Department's budget was reduced by approximately 12 percent at the beginning of this fiscal year. Due to continued short falls in projected revenue, the state mandated another midyear budget reduction of 4 percent the end of October. To meet these budget reductions, a couple of Department employees have been laid off and the majority of the Department's employees are taking voluntary furloughs to prevent further layoffs. No employees in the Consumer Services Division have been laid off at the present time. All of our field personnel have been placed on a four-day workweek in order to reduce travel expenses. The outlook for the near future does not look too bright. Another midyear budget reduction may be required in January or February, and more budget reductions are expected with next fiscal year's budget. At the present time, our weights and measures program is entirely funded with general tax revenues. It is difficult to compete for those funds against such issues as education, health care and tax relief. For this reason, the Department is looking at possible alternative funding for our Weights and Measure Program. If additional funding is not found to cover present budget cuts and the Department's budget is reduced again July 1st, our weights and measures program may have to be reduced by as much as 30 percent. We may be proposing legislation to charge registration fees for all commercial weighing and measuring devices, fees for calibrations performed at our Metrology Lab and fees for the licensing of registered repairpersons of weighing and measuring devices.

Everyone's first thoughts are that a weights and measures program is for the protection of the consumer. However, weights and measures also affords protection to businesses that operate devices or sell packaged goods. We often speak of ensuring a "level playing field" so that businesses can fairly compete with each other, and this is truly one of the benefits of a strong weights and measures program. However, what about the number of devices that we find out of tolerance in a direction

that favors the customer, and what those devices can cost the owner in just one month? If a scale on a checkout lane at a grocery store is under-registering 0.01 pound and that scale is used to weigh 100 items per day, that amounts to a loss of one pound of product per day or 30 pound per month. A small error in a device hurts an individual customer a small amount, but that small error can have a much greater impact on a business. I am sure that South Carolina is not the only jurisdiction facing budget reductions. Regulatory authorities need the support of businesses to ensure that weights and measures programs continue to receive adequate funding, and it is in the best interest of businesses to support a strong weights and measures program. ♣

NOTICE

The membership year for the Southern Weights and Measures Association is October 1 through September 30. This edition of the newsletter is being sent to all members who were in good standing for the 2000-2001 membership year. If you have not paid your annual dues for the 2001-2002 membership year, this will be the last edition of the newsletter you will receive. Questions concerning membership should be directed to N. David Smith. Thank you! ♣

Calendar of Events

January 27-30

NCWM Interim Meeting

HyattHotel, Bethesda, MD

Contact: NCWM Headquarters, (240) 632-9454

July 14-18

NCWM Annual Meeting

Omni Netherland Hotel, Cincinnati, OH

Contact: NCWM Headquarters, (240) 632-9454

Contact SWMA

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