



# Southern Weights & Measures Association

91st Edition

SWMA Newsletter

October 2002

## Nozzle Sizes on Diesel Dispensers

G. Weston Diggs

Have you ever been faced with the following scenario? A customer stops at your station to fill their vehicle with gasoline. On the island, there are several nozzles, each one for a different product. They choose one and fill their vehicle's gas tank. After leaving the station and traveling a few miles, the customer's engine dies and after lengthy and costly repairs, they find the reason for the repairs is due to the tank being filled with diesel fuel instead of gasoline.

Throughout the year, Weight and Measures Officials across the country receive complaints from consumers who have inadvertently pumped diesel fuel into vehicles designed for gasoline. Almost without exception, the complaint investigations reveal the diesel dispenser is properly identified, however, the diesel hose is installed on a multi-hose dispenser and the diesel hose has a nozzle intended for "unleaded fuel" on it. Today, many locations utilize multi-product dispensers with three grades of gasoline on each side. In some applications, one of these dispensers will have a diesel hose. In these situations, the unsuspecting or inattentive consumer may use it to fill their gasoline tank. How many times are station owners blamed for this oversight? How many customers have been lost due to this situation?

The National Conference of Weights and Measures (NCWM) is a national professional organization dedicated to developing consensus on standards to fairly meet the needs of consumers, businesses, regulators and manufacturers nationwide. The NCWM is a private, not-for-profit corporation. The NCWM regulatory and industry members develop model laws relating to weights and measures enforcement. The National Institute of Standards (NIST) Handbook 44 is one of these model laws. Handbook 44 is adopted in most states and is the requirement for specifications, tolerances and other technical requirements for commercially used weighing and measuring devices.

The Southern Weights and Measures Association proposed a requirement for consideration at the annual meeting of the National Conference on Weights and Measures (July 14-18, 2002 held in Cincinnati, OH) that would have solved the dis-

penser issue. The proposal was to add a User Requirement to the National Institute of Standards Handbook 44, requiring "...any hose from which diesel fuel is sold shall have a nozzle with an outside diameter of not less than 23.6 mm (0.93 in). " The 0.93-inch nozzle is the same size that was commonly used on leaded gasoline dispensers and they will not fit into a vehicle designed for unleaded gasoline.

The members of the NCWM voted down the proposed requirement.

This is the third time this issue has come before the NCWM. On two occasions, it was proposed as a Handbook 44 requirement and once as a Handbook 130, Model Law and Regulation requirement to the Model Motor Fuel Law. State representatives from the Northeast and Mid-West spoke in opposition to the proposed requirement. Some of the reasons stated for opposition in the floor debate were "this is not a technical issue and should not go into Handbook 44"; "the consumer must take some responsibility"; and "I am concerned about my inspectors liability". An industry representative from a major oil company stated it was his company's policy to require the larger nozzles on pumps at company stations. I assume his company is willing to accept the liability when the policy is violated.

In my opinion, this should have been a "no brainer" for the NCWM. If passed, this proposal protects consumers from unnecessary automobile repair costs. Depending on the automobile, repairs of this kind may exceed \$1,000. By having the larger nozzles the service station owner may avoid any potential liability associated with contamination of automobile fueling systems by diesel fuel. This is an opportunity for both parties to be protected with a relatively small investment on the part of the regulated industry.

The station owner can easily avoid the situations described above by using the larger diameter nozzle on diesel dispensers. However, this approach is only as successful as the development, implementation, and follow-up of policies initiated. This is where the addition of a User Requirement to Handbook 44, would serve to assist station owners. Rather than depending only on the follow-up employees to install and use larger diameter nozzle on diesel dispensers, the inspections performed by weights and measures officials can serve as another mechanism to protect the station owner and the customer.

I must also point out that even though it is not a “technical requirement,” Handbook 44 already requires underground storage tanks to be identified by color code or other means of identification. This requirement was added to Handbook 44 in an effort to keep weights and measure officials from inadvertently contaminating fuel when returning product to storage after a pump test. Am I the only one that finds this somewhat hypocritical? Shouldn't the same official interested in avoiding contamination of the product in an underground storage tank be just as interested in avoiding contamination of the automobile's fueling system? Isn't the public that they are paid to protect, entitled to receive a reasonable level of protection from the inadvertent contamination of the fuel system of their automobile? †

## SWMA NEWS FROM THE PAST

**Bob Eaves, Historian**

- In the May 1951 issue of The SWMA Newsletter, L. T. Wills, Chief Inspector, City of Birmingham, Alabama, Bureau of Weights and Measures reported: “We successfully prosecuted two cases against a dealer in fresh dressed poultry. On a complaint, we found that he had overcharged a customer 38 cents on two frying chickens she had bought. We made a surprise visit a week later and found the fryers, which he had priced prior to sale, to be priced 12 cents to 18 cents above what they should be. He was fined \$25 on the first case and \$75 on the second, plus a 30 day sentence which was suspended.”
- Col. William H. Ising, Jr. Supervisor for the City of Louisville, Kentucky Weights & Measures, reported in February 1960 that the manager of a drug store was fined \$110 in police court for violations of the Weights and Measures Ordinance. He was fined \$50 for having an illegal scale, \$50 for selling packaged nuts short of purported weight, and \$10 for not marking the packages as to weight.
- Charles Leamons, supervisor of the Texas Dept. of Agriculture's Houston District, reported in August 1979 that a former department manager for Swift & Co. was sentenced on May 22, 1979 to 3 years probation and fined \$1,500 after pleading no contest to charges of short-weighting meat sold to the Harris County Jail. The 2,000 lb. order of beef and pork was short-weight by 246 lbs.
- It was reported in October 1985, that Maryland was in the process of hiring 13 new weights & measures inspectors which would bring the field staff to a total of 49 inspectors (In 2002, the “total” Maryland Weights & Measures field staff consists of 15 inspectors and 4 supervisors) †

## JURISDICTIONAL NEWS

### FLORIDA

Florida has completed purchasing the new equipment that was funded by the legislature for fiscal year 2001-02. The Bureau of Weights and Measures acquired two flatbed type semi-trailers custom designed for the mounting and operation of a crane and storage of the weights and carts used in testing vehicle scales. Weights and Measures also received a replacement truck-tractor used in transporting one of the four vehicle scale testing trailers and a heavy-duty truck used in testing industrial and livestock scales. The Bureau of Petroleum Inspection was able to purchase two new 1000 gallon trailer mounted provers as well as six replacement pick-up trucks used in testing devices and collecting samples for laboratory testing.

South Florida Field Supervisor Carlos D'Arcy gave a welcoming address and a review of the state's Weights and Measures program to the Annual Meeting of the Scale Manufacturers Association (SMA) in Naples last April. Accompanying Mr. D'Arcy at the meeting was field inspector Alan Walker. During that same week, Mr. D'Arcy and Mr. Walker were able to spend some time in the field performing inspections accompanied by Henry Oppermann, Chief of the Office of Weights and Measures at NIST. Mr. Oppermann was in Naples attending the SMA meeting and visited with the local Weights and Measures and Petroleum inspectors while in the area.

The Bureau of Petroleum Inspection is currently implementing a field inspection database program where the field staff is entering data during inspections using laptop computers. The database program was developed in-house and will enable the program to more effectively utilize the limited field inspection resources. Training for the new program has been completed and the inspectors have begun using the system. Hopefully we will be able to provide a positive progress report in the next newsletter.

The following is a summary overview of inspection activities for fiscal year 2001-02 in the Bureau of Weights and Measures:

Scales & Measuring Devices Tested*	53,556
Percentage Found Accurate	93.6%
Percentage Found Accurate & Correct	87.8%
(*- Does not include retail fuel dispensers which are tested by the Bureau of Petroleum Inspection)	
Businesses Tested for price Verification	323
# Failed, Excessive Overcharges	16
# Failed, Excessive Undercharges	8
# Items Scanned	17,450
# OverchargeErrors	156
Undercharge Errors	139
Number of Package Lots Tested for Net Contents	542
#In Compliance	475
# Found Short Measure	67

Metrology Laboratory Calibrations and Tests:	
Mass	11,312
Volume	780
Grain Samples Standardized	6

We are pleased to report that Max Gray and Steve Hadder have been approved to attend the SWMA Annual Meeting in Richmond in October. Max is serving on the S&T Committee while Steve is Chairman of the A&P Committee. †

## MARYLAND

- The Maryland Department of Agriculture (MDA) Deputy Secretary Brad Powers has announced his retirement effective September 30, 2002.

Brad has been with state government for 33 years, first with the University of Maryland Cooperative Extension, and beginning in May 1976 with MDA. In his years with MDA, he has served in a wide variety of positions, and just about every Agricultural organization and commodity group knows him as a person they can trust and as someone who will try to help solve their problems. He has been on the cutting edge of Maryland's developing aquaculture industry and has had a significant positive influence in how MDA is viewed by Maryland citizens.

Brad has been an advocate of our Weights and Measures Section and he will be missed.

- The Maryland State Fair was held in Timonium, MD during August 23 - September 2, 2002. The Maryland Department of Agriculture (MDA) display was an interactive "MDA Village" which showed how MDA touches the lives of Marylanders every day. Our section had on display a cord of firewood, which was given away at the conclusion of the fair, a gasoline dispenser, a volumetric standard for measuring mulch, an electronic package inspection scale, packaged commodities, etc. We also had an electronic medium capacity scale which was used by our staff members to provide those attending the fair with their official "certified" weight.
- Chief Lou Straub and Program Manager Will Wotthlie attended the 87<sup>th</sup> Annual NCWM Conference held in Cincinnati, Ohio during July 14 - 18, 2002. Lou is chairman of the NTEP Committee and is on the NCWM Board of Directors. Will is a member of the Specifications and Tolerances Committee and will chair the committee at the next annual meeting in 2003.
- We are considering the registration of service agencies/service persons in Maryland, and recently sent survey forms to randomly selected business locations concerning a registration program. We sent 120 forms and received 42 responses. Overall, the responses were very positive.

- Our field supervisors have been busy obtaining grain samples from the field, and Inspector Aaron Webb has been preparing the samples in our laboratory for use in the inspection of grain moisture meters during 2003.
- Field Inspector Mike Frailer and NIST Representatives Dick Suiter, Juana Williams and Gloria Diane Lee presented the NIST Vehicle Tank Meter Inspection Module to approximately 20 inspectors from various jurisdictions in Massachusetts and inspectors from Alabama, Alaska, and Pennsylvania. Mike has over 19 years of experience inspecting VTM's and presented the "hands-on" portion of the training module. The training was presented at the Holiday Inn, Taunton, Massachusetts during September 10-12, 2002.

## Recent Civil Penalties and Court Activities

- On September 10, 2002, we received \$2,000.00 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 inspections performed at the establishment.
- On September 19, 2002, we received \$300.00 for a civil penalty assessed against Save-A-Lot #536, Baltimore, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment. †

## NORTH CAROLINA

Since our last update, the budget fog has lifted somewhat. A budget has been passed but there are still storm clouds on the horizon. The last newsletter reported that the department had been directed to prepare for cuts amounting to 8-10% of its appropriated budget. The final amount came to 8.7%. Unfortunately \$800 million in one-time money was used to fill the state's \$1.5 billion shortfall. In other words, we will be facing at least an \$800 million shortfall at the end of the fiscal year unless tax revenues increase over the next 10 months. The state could still be faced with another \$1 billion plus shortfall in 2003-04.

We now have fewer positions and much less money. Some divisions have not been cut that much, but others have been hit hard. The Standards Division escaped with relatively minor damage. A couple of vacant positions and some operating money were taken. Some inspection work will be delayed as personnel are shifted to help in other areas.

Throughout the department employee morale continues to be low. Many employees are now expected to assume the duties of more than one position, there was no pay increase, promotions and reclassifications may continue but at a much slower pace, and health insurance premiums soon will either increase or there will be reductions in benefits. Adding to the morale problem is the fact that the economy does not seem to be getting better. Economists still do not forecast an improvement in state revenues for at least a couple of years. The old saying of "Hang in

There" is wearing thin for many employees. There is a push for collective bargaining within the state employees' association. As last time, stay tuned for more.

The Measurement Section gave its best wishes to Ron Murdock at his retirement dinner at the end of July. Our weights and measures staff was in town for training so many were able to attend. Ron is still fighting the health battles and we are sure he would appreciate a note, card or a call. His address is 2008 Scott Court, Clayton, NC 27520.

The section is in the process of sending out a new vehicle tank meter calibration truck with a new prover in the next few weeks. This vehicle is a Dodge Ram 2500 diesel pickup with a 100-gallon stainless prover mounted in the bed. It will replace a similar vehicle with 10 years of age and 190,000 miles. We hope to replace another calibrator's truck in the next year, which will put our fleet of four statewide in good shape. The section will still have to monitor travel, operating expenses and equipment purchases very closely over the next couple of years. We are sure we will not be alone among the Southern states in facing this challenge.

The Measurement Section is still waiting on the new Dodge multi-product dispenser test unit. Due to budget concerns we held off on completing this work. The section has had the truck for several months but decided to transfer the cost of adding the test body to the 2002-03 budget year. We hope to move forward with this soon and have this unit on the road prior to our next report.

The Motor Fuels Lab is still waiting on the OSHA Consulting Inspection. Due to scheduling conflicts with the NC Department of Labor, this inspection will probably occur in November.

The Motor Fuels Section would like to extend their congratulations to Calvin Shaw, our General Utility Worker, who retired September 1<sup>st</sup> with over 30 years of state service. Calvin handled such tasks as dumping samples, cleaning cans and filling sample cases, in addition to other duties, to keep our program running smoothly. We hope to fill his position within the next couple of months. We wish Calvin a long and happy retirement.

The Motor Fuels section is now in the process of filling the inspector position for the Jacksonville area. This city is on our coast and has one of the largest US Marine and Naval Air bases in the country. This territory has had only sporadic inspections over the last year due to the vacancy so it will be nice to have someone back in the area. The Greensboro area inspector left in August to become a professor at NC A&T State University. The section hopes to get this position filled quickly as this is the third largest region in the state concerning population and industry.

Also for the Motor Fuels Section, the EPA mandated low vapor pressure season is over for the year. In North Carolina, all or parts of 9 counties are required to use 7.8-psi gasoline while 9.0-psi gasoline is used in the rest of the state. It has been the case in past years that most violations occur at outlets that had low sales volume or locations that had been closed for remodeling and reopened with old product in their storage tanks. Many

oil companies and some terminals are taking a more active roles in complying with this program by bringing samples to the Raleigh lab to see where their customers or outlets stand prior to the control period. The period for NC is from June 1 through September 15. This approach has resulted in fewer violations this season than in past control periods.

For the Standards Lab, LF enjoyed seeing everyone in July at the NCWM annual meeting. As many have done so in the past, LF wanted to extend his concerns about the economy and its effect on attendance and participation. Metrologists' attendance was down also but LF was glad to see several new faces from the southeastern states. These included John L. Sullivan from Mississippi and Justin Dearing from Kentucky. LF expressed that it was really good to meet both of these folks and to have the additional representation from SEMAP.

The Standards Lab has been planning for the annual test measure field calibration. This was somewhat difficult this year with the budget uncertainty but it is on track for the first two weeks of October. During the two weeks, Van and Bob will travel to six locations across the State and test nearly 500 test measures. Van is also working to put together the display for our State Fair in October. Standards Division staff will weigh approximately 45,000 people during the ten days of the fair. Of those, thousands are sure to say our scale is wrong! The fair booth theme Van is developing this year is the history of W&M in North Carolina along with a patriotic theme. We will have information, pictures, and artifacts ranging from colonial standards to our lab's contribution to the manufacturing of space station components. The lab is still working on the NVLAP program and waiting to hear if additional items need to be completed for accreditation. They also expect a continuation audit soon.

The Standards Lab, Measurement and Motor Fuels sections enjoyed and appreciated Henry Oppermann's visit while he was here for Ron Murdock's retirement. Much of what the program is today in NC and throughout the country is in large part due to Henry's leadership and support. Thanks Henry!

It's been a hot, dry summer. NC had just over 60 days of 90 degrees F. or higher while 30 days is about average. The lab and division are ready for fall. In fact, the folks at the Standards Lab are ready for winter so that the new roof snow guards can be put to good use. Hopefully they will take some of the challenge out of dodging the flying icebergs that fall off of the roof in the days after a good snow. Now that the guards are installed, Raleigh will probably not receive any snow during the remainder of everyone's career. As some may remember, in January of 1999, Raleigh had 21 official inches of snow, which broke an 80-year-old record. The lab is now ready for more. Bring it on!

For the LP-Gas Section, the truck and meter inspector ranks were recently brought up to full strength when Wade Stanley was hired. By the time this goes to press, Wade will be doing inspections unaccompanied. Wade comes to the section after a career with the Navy. The staff knows this inspector trainee pays attention to detail since Wade survived his military time working on an aircraft carrier flight deck.

Richard Fredenburg, program manager for the LP-Gas section, has been making presentations to fire marshals across the

state to explain the requirements of the alternative to the fire safety analysis (FSA) required for bulk propane storage by the *LP-Gas Code*. The Board of Agriculture approved the rule earlier this year. Richard also presented a FSA update to the Professional Engineers of North Carolina at their fall seminars session. †

## TENNESSEE

There have been numerous changes in Tennessee since the submission of our last article to SWMA. One of the most dramatic occurrences was that our Legislature was unable to agree on a budget for the current fiscal year by midnight on June 30. This resulted in all “Nonessential State Employees” being told not to report to work on July 1. Only Essential State Employees, i.e. prison guards, state troopers, etc. reported to work. Finally, on July 3, a budget was passed and signed by the Governor, which resulted in all state employees reporting for work on July 5. Needless to say, the various new media outlets had a field day with this issue.

Effective July 1, 2002, our Department began charging fees for both commercial weighing and measuring devices along with fees for tolerance testing/calibration services in our Metrology Laboratory. This action was a result of a mandate from our Legislature to recover a portion of our costs in administering our weights and measures program. For the most part, industry has been receptive when the reasoning for the fees was explained to them. We are still in the process of working through some issues relative to this program in both the metrology laboratory and in the device fee area. Our State Metrologist, Thomas Smith, worked closely with our Information Services personnel in developing the Metrology invoicing system while conducting his day-to-day metrology activities. Thanks Tom for a job well done!

Mr. Warren Friedman recently joined our team as a Large Scale Inspector in West Tennessee. Warren brings a great deal of experience with him as he previously owned and managed a grain buying facility in West Tennessee in which he utilized and operated both vehicle scales and grain moisture meters. In addition, we are currently interviewing for another large scale position in the Middle Eastern portion of Tennessee.

Randy Jennings, Petroleum Administrator, is in the process of establishing two (2) additional inspector positions for bulk fuel meter and LPG meter inspections.

Randy will be traveling to South Dakota in a few weeks to instruct their inspectors on LPG meter inspections. Randy’s expertise in this area will enable him to provide quality instruction to these individuals.

Commissioner Dan Wheeler and Deputy Commissioner Louis Buck have recently departed the Department after a number of years of quality and devoted service. Mr. John Rose has recently been appointed as Commissioner. Commissioner Rose brings a diversified background and experience to the Department and made a very positive impression on those who have met him. Mr. Mike Countess, who formerly served as our Assistant Commissioner, was named as Deputy Commissioner.

Cotton gin scales inspections have been completed across West Tennessee and fall livestock scale inspections are being conducted now. Tobacco warehouse scale inspections will begin very shortly.

Hopefully, Tennessee will have at least one representative at the SWMA meeting in Richmond, VA in October. Due to a number of factors, primarily chronic budget problems, we have not been able to participate in both the SWMA and NCWM over the past several years.

## West Virginia

It’s been a long, hot and dry summer here in the mountains of West Virginia, and our inspectors have been spending the time getting outside inspections caught up to date. Despite temperatures that reached over 100° and 100% humidity they have been concentrating on inspecting gas stations, marinas, vehicle and rail scales, and other installations trying to catch them up before winter hits.

Governor Bob Wise announced a 10% budget reduction for the upcoming year and Karl Angell, Director of Weights and Measures has been making the necessary cuts while attempting to keep all present programs operational. “It may be tight, but we’ll give the citizens of West Virginia the best service possible”, he remarked at a recent meeting.

As part of our on going program to develop closer ties with state agencies conducting inspections in retail food establishments, such as the Health Department and the Department of Agriculture. On August 30 Bill Cobb, assisted by Lemuel Jones, conducted a presentation for the Barbour County Sanitarians at Alderson-Broddus College in Philippi, West Virginia. (*Philippi was the site of the first land battle of the War of Northern Aggression*) In the presentation he outlined and explained the weights and measures law and programs. They were especially interested in the Open Dating Regulation, since neither they, nor the Agriculture inspectors, have an Open Dating Regulation. Provisions of the regulation were covered, as were the difficulties in enforcing the regulation as it is written.

Earlier in August Bill made the same basic presentation to a meeting of twenty-two store and zone managers of their West Virginia stores at the request of the Kroger Company. During this presentation emphasis was placed on tare procedures during direct sales and actions that could be taken by inspectors when tare is not deducted. The labeling requirements for gift baskets were also covered.

Dan Mace, State Metrologist, and his assistant Tony O’Brian, attended the NEMAT Conference in Boston during the week of September 16 through 20.

Bill Cobb will be attending the Southern Weights and Measures Association annual meeting next month in Richmond, Virginia.

Steve Casto entered the hospital last month for surgery on his right carotid artery, the surgery was successful with no complications and Steve was released from the hospital to recuperate at home. He developed an infection and was readmitted to the hospital for tests and antibiotic therapy. He elected to be re-

leased from the hospital to continue the therapy at home, but began having severe chest pains and was taken back to the hospital for further testing. Steve's wife, Vicky, called and said he was having problems with fluid developing in his chest.

On Tuesday, September 24th Steve was transferred from Thomas Memorial Hospital to the Charleston Area Medical Center, Memorial Division, where he is scheduled for tests to ascertain the extent of damage to his heart. He is scheduled for open-heart surgery on Wednesday, the 25th, to repair a heart-valve.

Steve would enjoy hearing from you, He is presently in Charleston Area Medical Center, CAMC, Memorial Division, 3200 MacCorkle Ave., SE, Charleston, WV 25304, Phone (304) 348-5432, and his home address is: Route 8 Box 448E, South Charleston, WV 25309. Please remember him in your prayers.

Karl Angell, Weights and Measures Director, is recuperating at home from a motorcycle accident which occurred on Friday September 22. Karl and his son, Andy, were riding on the highway not far from his home when he hit a patch of gravel in a turn. The motorcycle went into a skid and when it resumed traction, flipped several times sending Karl into a drainage ditch. He broke his collarbone and suffered some scratches and bruises. He hopes to back to work as soon as possible.

Well, we had had some changes in personnel during the past couple of months. We finally hired an inspector for the Eastern Panhandle counties ( Jefferson, Berkeley and Morgan). The new inspector will be Dan Simmons, a native of Elkins, West Virginia. Dan is 27 years old, a graduate of Elkins High School and Glenville State College with a BS degree in Business Administration. He was previously employed as the manager of a Pizza Hut Restaurant and in insurance sales. He will be relocating to the panhandle when he completes basic inspector training.

Bryan Preece returns as inspector for Calhoun, Roane, Jackson and Mason counties after an extended absence. Bryan was

a member of the West Virginia Air National Guard and worked as a weights and measures inspector four years ago, when he quit to attend flight school.

He is now a First Lieutenant assigned to the 130th Airlift Squadron at Yeager Airport where he flies C-130 aircraft. Bryan presently lives in South Charleston but will relocate to Ripley, West Virginia after completion of the training period.

Brandy Tanner, of Big Otter, West Virginia, was recently hired as an Office Assistant for the Southern Region. Brandy was married on August 31st and is presently settling into her new home. She is originally from Summersville, West Virginia and is a graduate of Nicholas County

High School and attended West Virginia Wesleyan College. She was previously employed by Bright of West Virginia in their administrative offices. †

## NOTICE

The membership year for the Southern Weights and Measures Association is October 1 through September 30.

As of September 30, we have 79 paid and honorary members. †

### Contact SWMA

The SWMA Newsletter is published quarterly.

Annual dues are \$25.

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**SWMA Newsletter**

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