



Southern Weights & Measures Association

98th Edition

SWMA Newsletter

July 2004

SWMA NEWS FROM THE PAST

Bob Eaves, Historian

- During 1962, it was reported that : West Virginia announced it would hold it's first Weights & Measures Inspector School for it's 24 inspectors; Tennessee announced that it was to begin building a new Weights and Measures Laboratory; in Maryland Tom Stabler joined the Department of Markets as Assistant Superintendent of Weights and Measures, succeeding Dick Smith who went to work at the National Bureau of Standards; Kentucky finds short-weight poultry as shipped from the packer; Florida begins to inspect pharmaceutical balances and weights; and the 17th Annual SWMA conference was held at the Andrew Jackson Hotel in Nashville, Tennessee, October 15-17 with President Matt Jennings presiding. The total registration was over 200, and 16 of the 18 member jurisdictions were represented. Representatives from 29 states were in attendance. †

JURISDICTIONAL NEWS

ALABAMA

Larry Turberville retired as Program Director for Heavy Weights and Measures/Weights and Measures Laboratory, Alabama Department of Agriculture and Industries, on April 1, 2004. Larry came to work with the Department 15 years ago after his retirement from the Norfolk Southern Railroad where he was a supervisor for scale inspections.

Larry began his career with the State of Alabama as a Heavy Weights and Measures Inspector. He received training and became a NTEP Inspector. He did NTEP inspection work for a number of companies in the southeastern United States. In 1997 the NCWM appointed him to the National Type Evaluation Technical Committee, Weighing Sector.

When the Division of Weights and Measures was re-organized, Larry became Program Director of the Heavy Weights and Measures Section and the Weights and Measures Laboratory.

Even though he has retired from the Department of Agriculture and Industries, he is sure to still be involved with scales. †

MARYLAND

- On June 17, 2004, we had a staff meeting at our facility in Annapolis complete with a cook-out for lunch. Certificates of appreciation were presented to inspectors who inspected the highest number of devices, and had the highest overall production rating during the last six monthly periods. Award "days off" were given to Rick Bristow, and Barbara Miller who had the highest rating in these categories, during the last six month period, and Mike Frailer and Barbara Miller who had the highest rating in these categories during the last twelve month period. The highlight of the meeting was the presentation of Certificates of appreciation, an engraved heart shaped glass box, and a monetary gift to office secretary Joan Forsythe, who is retiring, effective June 30, 2004. Joan was with our section 16 ½ years and was the secretary for Lou Straub and Tom Coleman when they were program managers and the current Program Manager Bob Eaves. (How could she be so lucky to work for all of these outstanding individuals?) We know Joan will keep in touch with us, but we will miss her not being in the office each day.
- Our voluntary registration program for service technicians and service agencies is off to a good start. We have conducted 10 training sessions, and currently have 55 companies and 229 technicians registered. Our main goal is to reduce the rejection rate on our callback inspections. A review of our rejection rates for callback or follow-up inspections was approximately "twice" the rejection rate on an initial inspection. The classes have been well received so far, except for the fact that we require the technicians to pass a written test at the end of the training session. However, the "written test" requirement does tend to keep the technicians awake!
- We introduced a bill during the 2004 Maryland Legislative Session to increase some of our device registration fees, and to begin assessing a fee for point-of-sale systems. Unfortunately, the bill never made it out of the committee, even though we were able to obtain industry support. Since we were unsuccessful for the 6th year in a row to increase our special fund, we lost another vacant position on July 1. Our staff size is now at 29.

Recent Civil Penalties and Court Activities

- On June 11, 2004, we received \$500.00 for a civil penalty assessed against Mike Davidson Sand & Gravel, Henderson, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the plant.
- On June 15, 2004, we received \$500.00 for a civil penalty assessed against Asian Supermarket, Rockville, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.. ✚

MISSISSIPPI

Consumer Protection Division

During the month of May, the Consumer Protection and Weights and Measures Divisions' personnel made some changes and received an upgrade on the WinWam Software Inspection Program. Field testing of these changes and upgrade were also conducted. With the assistance of personnel from the Information Management Division, both regulatory divisions conducted three training sessions during the later part of May and the first of June for all Consumer Protection and Weights and Measures field personnel as well as office support staff.

The Consumer Protection Division is looking at purchasing new scales for our weights and measures work. The division currently has K-Scales, Model No. KS-1-WM that were purchased in 1997 and 1998. We have had problems with these scales and have not been pleased with their performance. Any suggestions on model and brand of scale to purchase please let us know.

Weights and Measures News

The Weights and Measures Division is pleased to announce the opening of our new Metrology Laboratory. After years of planning, our new 2.25 million dollar facility finally opened to the public on May 3, 2004. Our grand opening and ribbon cutting for the new building was held on Wednesday, April 28, 2004, on the Campus of Alcorn State University. The ceremony included speeches by Dr. Lester Spell, Agriculture Commissioner; Dr. Clinton Bristow, President of Alcorn State University and John L. Sullivan, Jr., our State Metrologist. A tour of the new facility followed. This new lab is situated in a new, prime location at Alcorn and is easily accessible to our customers.

We are now able to offer our customers the capability of calibrating weights from a micro pound to 1000 lb. test weights and 6000 lb. weight carts, or liquid volume from a fluid ounce to 150 gallon test measures.

John L. Sullivan, Jr., is our State Metrologist and has worked very hard at meeting the laboratory certification requirements, we're very proud of "John L.," as we call him.

Looking forward to seeing you all soon at the National Conference in Pittsburgh.



North Carolina

The North Carolina Department of Agriculture and Consumer Services has completed the fourth quarter of the 03/04 budget cycle and the department is still waiting for the new state budget to be approved by the General Assembly. The House has approved their version but there are some significant differences when compared to the Senate version. It could take some time before all things are smoothed out. State revenue receipts continue to improve and that is a good sign for the \$15.8 billion budget that is being discussed. The department has gone through some additional reductions in response to requests from the legislature. As reported previously, the division continues to function with an eye on the budget horizon. Activities continue to be streamlined when possible.

The Measurement Sector has just completed the package testing of a variety of commodities typically sold in the spring of the year; Mulch and bark for landscaping, seed and fertilizer for the fields, and hundreds of produce scales that seem to be on every corner. The section is now concentrating on the regular assignments of testing dispensers, scales, packages and scanning systems. Vacant positions, sickness and injuries continue to put the section further behind than normal. There is some light at the end of the tunnel, however, for one position has been recently filled in the Greensboro area. Christopher Gray, a recent retiree from the US Air Force, is now on board as a Standards I Inspector in this area. Mr. Wayne Compton and Mr. Ray Winslow are coming back soon after extended illness and injuries. The section is also advertising a Standards I Inspector's position in the Charlotte area. Several inspectors have done an outstanding job of going outside of their assigned areas to help with testing in areas that have been vacant. The section calls

this a "Wolfpacking" activity. Soon, everyone hopes to get back to a regular schedule.

With the higher prices for gasoline and diesel fuel, the number of complaints have also been rising. As normal, top priority is given to consumer complaints, whether it concerns a fuel dispenser or prices and weights in the retail store.

The Motor Fuels Lab is just beginning the low vapor pressure (VP) season for gasoline. State regulations give retail outlets 15 days to turnover old stock. During this period, motor fuels analysts notify the station of the results, encourage the stations to make a correction and make a return visit starting June 15th. Inspectors also let stations know that the EPA begins enforcement on June 1st and will assess a fine for locations not in compliance. Samples that are high after June 15th will require stop sale actions and the dispensers will be placed out of service. As of this writing inspectors are seeing a few more outlets with high VP, often just outside of tolerance, compared to last year. Information coming in is that high fuel prices have slowed the sales of premium and mid-grade gasolines and therefore slowed turnover at many locations. This results in a higher number of fuels not in compliance.

The section and Standards Division would like to welcome Ned Perry to our laboratory staff. Ned will begin on June 30, 2004 as an Octane Rating Analyst. Ned has worked the last 26 years with several companies on contract with the U.S EPA that conducted emissions testing. His experience includes installation, maintenance, calibration and operation of the instrumentation used in various emissions tests.

The Motor Fuels Laboratory has upgraded the sulfur lab area with the addition of an Antek Combustion UV Fluorescence sulfur analyzer. This instrument will test samples of gasoline and diesel fuel to determine US EPA and state mandated sulfur levels for these products.

News from the Standards (Metrology) Laboratory is that Cliff Murray will return to the lab as the Quality Assurance Manager on June 15, 2004. The laboratory and division are looking forward to having Cliff back. Cliff is the fifth Standards Laboratory employee to leave the lab only to come back later. In each case, these folks have helped the metrology program immensely upon returning. The division is glad to have Cliff back!

The Standards Lab continues to develop the Small Volume Prover (SVP) calibration program with excellent results. Each prover calibrated teaches those involved ways to improve the process. The metrologists are now working on the quality and temperature stability of the lab's de-ionized (DI) water system. Comparisons with factory calibrations and repeated tests of the same provers continue to build everyone's confidence. The lab has now tested SVPs of 15 and 20 gallons. By the time this newsletter goes to press, the metrologists will have tested a unit with a capacity of 30 gallons. The Brooks units that have been tested require both an upstream and downstream calibration. Results have repeated well in both directions.

L.F. Eason and Van Hyder will have an opportunity to attend the NCSLI Conference in Salt Lake City, Utah in July. Unfortunately this meeting shares the same time slot with the NCWM Annual meeting in Pittsburgh, PA. L.F. will have to miss the

NCWM annual meeting and he sends his best wishes to all of the NCWM participants and hopes the week is well attended and productive. This will be the first time in L.F.'s 26 years of NCWM participation (21 years of attendance) that there has been no metrology meeting at the NCWM annual meeting. And the history of metrology training at the NCWM goes back well before then (anybody remember Harry Johnson and Blaine Keyser?). Less than five State Laboratory Program metrologists were able to attend the NCWM annual meeting last year. Considering this and the conflict between the NCWM and NCSLI meetings this year, the State Laboratory Program metrologists and NIST metrology coordinators plan to organize a NCSLI Legal Metrology Committee at this year's Salt Lake City, Utah NCSLI Conference. Based on L.F.'s attendance of last year's NCSLI meeting in Tampa Bay, Florida, the division feels that the NCSLI annual meeting is a better fit for metrology. Though this could mean the end of formal metrology participation at the NCWM, depending on action by the NCWM chairman and board of directors, the NC metrologists support this move. With the NCSLI focus strictly on metrology, much more can be accomplished in support of the State Laboratory Program.

Conversely, with the NCWM Annual meeting focusing only on W&M, those metrologists who are still able to attend will be able to focus on W&M work for the entire week. The laboratory encourages all jurisdictions to support this committee, become involved, and send metrologists to future NCSLI meetings.

Speaking of Tampa Bay, congratulations to our Florida members on your first Stanley Cup victory! Our local Carolina Hurricanes kind of fell through the ice this year, but we have high hopes for the future.

The Standards Lab and division are working diligently with our State Highway Patrol, Motor Carrier Enforcement Division to develop a defensible wheel load weigher calibration program. As part of this agreement, the lab will calibrate high accuracy load cells using a proving ring (purchased for us by the Highway Patrol). These load cells will be used at various troop headquarters across the State to calibrate each officer's set of four wheel load weigher scales. The lab is also working with them to develop a quality assurance program to make truck weight fines are more defensible in court. Finally, the metrologists plan to experiment with different weighing methodologies to see what is the best within the limits of the equipment and environment.

The Standards Lab currently has the NIST magnetism round robin on site. This interlaboratory comparison (ILC) will provide valuable information on each laboratory's ability to precisely measure magnetic fields that make some stainless steel weights unpredictable. Defining the lab's ability to measure these irregular fields will greatly increase ability to remove problem weights from use.

News from the Grain Moisture Meter program is that the inspectors are now working with the wheat crop. The crop looks good this year, which hopefully will give the program some good samples to use as standards.

The LP-Gas Section was represented by the division's LP-Gas Engineer, Richard Fredenburg, at the State Administrator's

meeting at the National Propane Gas Association Southeastern Convention. This is a meeting held each year at the Southeastern and is a chance for the authorities having jurisdiction for LP-Gas concerns to get together and discuss concerns and ideas.

In April, Richard Fredenburg was invited to speak at the North Carolina Fire Prevention School on LP-Gas laws and regulations, the LP-Gas Code, and the North Carolina Fire Prevention Code and how they interact. This was partially to help solve some jurisdictional problems between LP-Gas Inspectors and fire inspectors in the state.

In May, some LP-Gas inspectors from Colorado and Arkansas came to North Carolina. Colorado reorganized their inspection program for LP-Gas and wanted to see how the North Carolina inspectors performed their duties. They were shown how the North Carolina inspectors do a variety of safety inspections on trucks and at residences, businesses, industry, and propane companies and how delivery meters are calibrated.

With the publication and availability of the 2004 edition of NFPA 58 and the LP-Gas Code, a significant effort was made to inform the LP-Gas industry of the changes that are in the new edition and how the industry will be affected. One of the biggest efforts will be to conduct re-qualifications and perform the



TENNESSEE

Where has this year gone? Seems like only yesterday that we were talking about the Interim NCWM and now we are only a few weeks away from the NCWM in Pittsburgh! The end of our fiscal year is rapidly approaching with all inspectors very busy attempting to complete all assigned device inspections across the state. Preliminary indications are that the vast majority will be completed prior to the end of the fiscal year with compliance rates for all types of devices similar to that of last fiscal year.

We have received a significant increase in consumer complaints over the past several months on retail fuel dispensers with most complaints being on gas tank size referenced in the automobile owners manual versus the amount of fuel dispensed by the consumer in the tank. We also receive numerous complaints regarding the amount of fuel dispensed in an uncalibrated container such as a milk jug or plastic container utilized for lawn mower gasoline. The results of the majority of

these inspections indicate that the dispensers are in compliance.

Both our Petroleum Quality and Weights & Measures Section have received numerous requests for data and subsequent interviews from the major media markets located across Tennessee. We have coordinated these requests with our Public Information Office and feel that we projected both our department and our very important work in a positive manner.

Randy Jennings, Ed Coleman, and Bob Williams are currently planning our annual inspector meeting scheduled for the last week in July. We hope to have several very qualified instructors making presentations along with several of our own staff members. This years training will focus on Handbooks 130 & 133 along with Vehicle and Livestock Scales. We will be welcoming a new inspector at this meeting as Mr. Scott Kelley was recently hired as a LPG/Bulk Fuel Meter Inspector in Middle Tennessee. We are currently seeking a Crosstrained Inspector in West Tennessee to cover 4 counties inspecting retail fuel dispensers, small scales, checkweighing, price verification, and petroleum quality related inspections/sampling.

Bob Williams plans to attend the Weights and Measures Administrator's Workshop in Baltimore, Maryland in late June. This workshop, along with the one in Denver, CO, presents an excellent opportunity for administrators to exchange ideas on related topics and subjects. The results of the recent NIST sponsored survey should likewise prove to be interesting and beneficial. We also plan to have at least one representative in attendance at the NCWM in Pittsburgh in July.

We have recently received approval to completely overhaul all of our LPG and fuel provers. In addition, we have ordered a new hybrid trailer mounted prover consisting of 3-5 gal provers mounted on the rear of a trailer along with a 50 gal prover mounted in the middle of the trailer with 3 – 115 gal holding tanks being installed on this unit. This unit will replace a similar one destroyed in a traffic accident last year. We have recently received approval to order a replacement large scale testing unit that will consist of an enclosed box, calibrated weight cart, new mass standards, and all associated equipment to be mounted on a 2005 chassis. We placed a similar unit in service in 2001 and have been very pleased with the unit.

Finally, we have several current and retired employees who have recently experienced serious health concerns. We ask your thoughts and prayers in wishing these individuals a speedy and complete recovery. ✠