



# Southern Weights & Measures Association

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124th Edition

SWMA Newsletter

April 2011

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## JURISDICTIONAL NEWS

### MARYLAND

Since our last newsletter, the Maryland Department of Agriculture (MDA), Weights and Measures program hired three new field inspectors to fill vacant positions: Richard Kendall, Zacharias Tripoulas and Brad Young. These inspectors have been training since late summer on routine small liquid measuring devices, small and medium scales, price verification, and random package testing, as well as investigating consumer complaints.

At the start of the 2011 Maryland General Assembly session, MDA submitted legislation to increase our device registration fees. We are happy to report that our bill (HB 293) was passed with amendments in the last hours of the legislation session. This legislation will help sustain our program at its current level for one more year. In addition, we received strong legislative support as well as industry commitment to establish a more permanent resolution to our ongoing funding issues.

In the world of weights and measures, through consumer vigilance, we discovered two gas pumps with computing discrepancies. The first complaint we identified that a service technician had replaced a price computing board in one MPD unit. Unbeknownst to the technician, he left the price computing setting programmed in liters. Nine customers used this unit after the mistake and were over charged around 40 percent per each transaction. Eventually restitution was re-credited to each customer's credit card account, totaling around \$9,000. The service agent company was placed on notice as well as issued a civil penalty of \$500. The second complaint involved a frequent shopper's grocery card that gives a gasoline discount at a major branded gasoline station. Again, a registered service agent had programmed the unit prices in the console in order for the discounting program to operate. The investigation revealed the service agent had mismatched the unit prices in the console for those displayed on the dispenser. When the customer activated the dispenser with his frequent shopper's card, the dispenser worked according to design and lowered the unit price to the discounted price. However once the customer finished the sale and hung the nozzle back into the boot, the credit card transaction was completed at a different unit price. On the credit card receipt the gallon amount was the only indication that matched

the dispenser. As gasoline prices continue to sky rocket so shall the consumer complaints. We will report any oddities as they develop.

This year, MDA continued to perform price verification inspections at locations other than grocery stores. We visited 126 different store locations throughout Maryland and found 47 stores in violation. During these inspections 21,400 items were scanned for correct pricing, which revealed a 6 percent error rate. A few stores in this sample had rejection rates as high as 20 percent. We will issue civil penalties to some of these stores and for others we will conduct a re-inspection.

Maryland continues to inspect random packages at supermarkets on an annual basis. Several firms have multiple failure rates, which resulted into civil penalties being assessed. Since the start of the fiscal year to the present, MDA has assessed 59 supermarkets with civil penalty charges and has collected \$46,750 in fines. †

### NORTH CAROLINA

#### Standards Laboratory

The first of the year is always a busy time of the year for us. We reserve the month of January on our schedule to calibrate our working standards to get ready for customer calibrations. This year we faced no challenges and we were able to start outside calibrations on time. I applaud the efforts of our metrologists (Tal Anderson, Van Hyder, Cliff Murray and Gerald Price) for a job well done.

Again this year we will be participating in the Carolina Star Program Conference. We are assigned to the Northeast regional team and we had our first meeting February 1, 2011 at GE Aviation in Mebane, North Carolina. This was an opportunity for us to network with other non government agencies who have committed themselves to the common goal of keeping safety first. This year's topic is "Optimizing Your Safety Inspections." Our safety team representatives are Janice Goodman-Long and Joe Huntley.

Our Grain Moisture section is actively involved in the American Oil Chemistry Society (AOCS) laboratory proficiency program. We are still waiting on the results of the last sample tested. Early indications say the wheat crop is looking good.

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Unless we have a late frost or excessive rain the wheat crop is predicted to be the best in years. We are very optimistic.

We would also like to welcome Ashley Daly, our new metrologist. Ashley began in early March and will be attending NIST training this fall.

### **LP-Gas Section**

Enforcement of the 2011 edition of NFPA 58, the LP-Gas Code, began on January 1, 2011.

The LP-Gas Section personnel, fire marshals, fire inspectors, one PERC representative, and one NCPGA representative received training on the 2011 LP-Gas Code from Denise Beach, NFPA staff, on February 16, 2011. This one-day seminar introduced many fire inspectors to the Code and opened up some lines of communication between the fire service and the LP-Gas Section.

Work continues on the database and programming to fully implement the changes in the LP-Gas law that allow for a more realistic method to assess civil penalties for violations.

### **Motor Fuels Section**

Congratulations to James Milliam, who was promoted to Octane Analyst. James previously worked in the Motor Fuels Lab as a Chemistry Technician I.

Our planned or completed instrument purchases this year include the replacement of three aged Zeltex Octane Analyzers, and purchases of two Micro distillation instruments, one D86 distillation instrument and the purchase of an automatic viscosity instrument for our motor oil enforcement program.

We expect to begin a major renovation project for the 1976 wing of the laboratory in the coming months. The primary focus of the project is the installation of a new HVAC system and upgrading fume hoods.

### **Measurement Section**

We have completed our inspections of fertilizer, bark, potting soil and mulch for the first quarter. Several lots of bark and mulch were found to be short measure and were issued "Notices of Violation". All lots passed on return visits. Several lots of fertilizer were found to be short weight with "Notices of Violation" issued. All but one lot passed on return visits and there was a civil penalty of \$900.00 issued for that lot. That lot has since passed on a follow-up visit. We plan to return to each location in the fall to insure that proper packaging is observed by all. We will also conduct these inspections in the fall.

Scanning errors are still one of our chief concerns. From January 1, 2011 until March 31, 2011 we have conducted 569 scanning inspections with 113 exceeding the allowable 2% overcharge error rate. That is a failure rate of almost 20% on the initial inspections. That is increasing from what we have found in the recent past.

We could see several changes in our staff this year after 2 years of being fully staffed. Richard Turner retired effective December 31, 2010 after 36 years service. We also have 4 or 5 other guys considering retirement this year. Along with our budget situation, this could make for an interesting year. ☪

### **Contact SWMA**

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