

Southern Weights & Measures Association

139th Edition

SWMA Newsletter

January 2015

EDITOR'S NOTE

The last newsletter and this one is published in a single column format. Please examine this newsletter and past newsletters with the two column format to determine which best suites your needs. Since the publication is for the benefit of our Members, we are requesting a response indicating preference of one or two columns for future newsletters.

Please email your response to: wdbasher@charter.net ✉

JURISDICTIONAL NEWS

FLORIDA

Program Highlights:

The weights and measures team within the Florida Department of Agriculture and Consumer Services has undergone significant changes over the past couple of years. In 2012 the former Bureau of Petroleum Inspection was merged with the former Bureau of Weights and Measures to form the current Bureau of Standards. This resulted in what I like to term a “collision of two galaxies” in that it takes a long time for all of the dust to settle and result in one uniform program (or “galaxy”). We have made significant strides in this regard and are forming a well-blended team, but there is still much work to be done. Most recently, the former Bureau of LP Gas Inspection was also merged with the Bureau of Standards to further expand our areas of interest. This merger is just now out of the “stellar nursery” and we are very busy hammering out the groundwork to get this new merger underway. We inherit a great deal of LPG experience and are excited about this (and our other) change. To date, we are already beginning to reap the benefits of a more streamlined and efficient program, with many, many more to come in the future with the addition of our LP Gas Inspection teammates.

Team Highlights:

As many already know, Mr. Max Gray retired from our team in early 2014 after more than 30 years with the department and has since blossomed into the ultimate groundskeeper, taking up a lawn care business. Max now gets to spend his days in the outdoors riding a mower as opposed to inside of an office riding a desk chair, which is much to his preference. However, Max has said that he does miss all of his weights and measures colleagues and friends. We'd like to thank Max for his invaluable years of service to this department and to the weights and measures community. His input and ideas and wealth of knowledge will be sorely missed at future SWMA and NCWM meetings.

The Bureau of Standards was very fortunate to be able to appoint Mr. Hal Prince, former weights and measures director from the State of Maine to replace Max on our team. We had to trade a first round draft pick and two minor league players (to be named later) to get Hal, but the trade has been worth its weight in gold (pun intended...) as Hal was able to step right in where Max left off and use his many years of weights and measures experience and vast expertise to play an integral role in our mergers and the continued evolutionary success of our weights and measures program. †

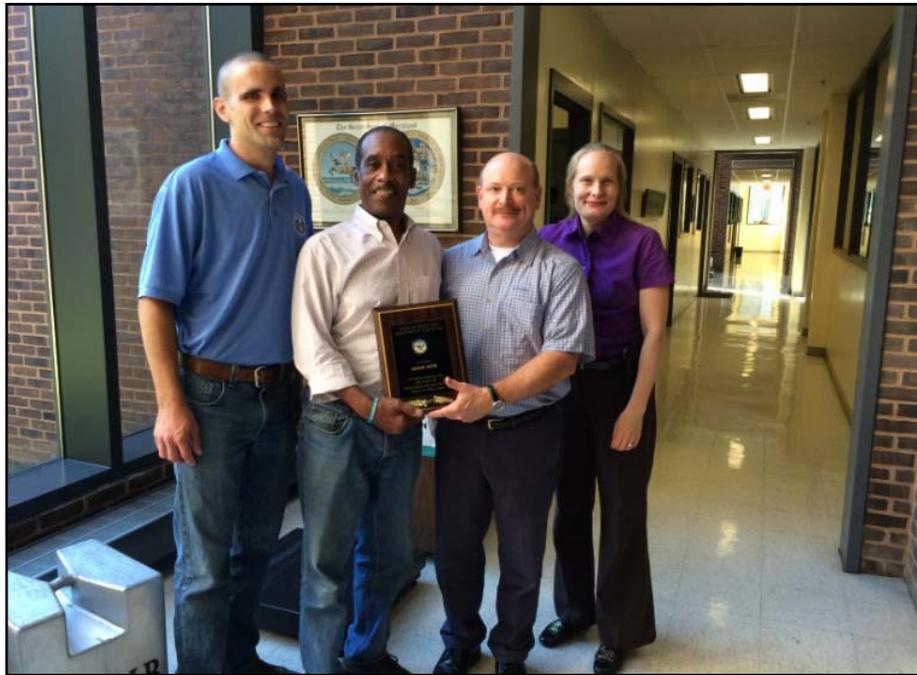
MARYLAND

The good summer and fall weather enabled Maryland Weights and Measure staff to nearly complete VTM inspections, both propane and home heating oil. During the Maryland State Fair, staff enjoyed spending time with the general public to provide them with information on how Weights and Measures ensures fairness in the marketplace.



Weights & Measures display at the State Fair

During the month of October, our department recognizes long services awards for all Agriculture employees. Aaron Webb was recognized this year for his 45 years of dedicated state service. Congratulations Aaron!



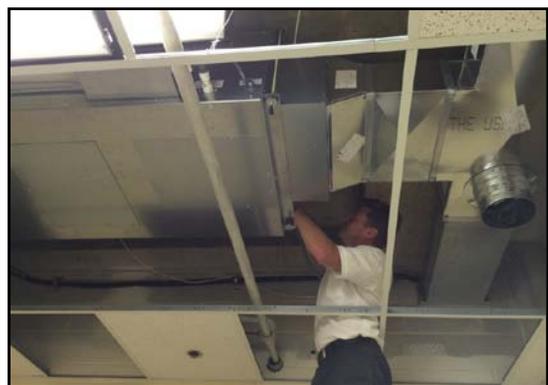
Joe Eccleston, Aaron Webb, Ken Ramsburg, Elizabeth Koncki

In September, we sent two managers and our newest metrologist to NIST for an intense two week mass metrology seminar where they participated in hands on mass metrology lab SOP training and good measurement practices training. The staff is now applying the methods and practices learned in class to our metrology lab work and working to regain NIST accreditation.



Joe Eccleston, Zach Tripoulas and Elizabeth Koncki training at NIST

We have also installed a new HVAC system in the small mass metrology lab to upgrade the environmental conditions, which was completed in September. Photo on the right is the contractor installing an engineered specific Liebert System designed to meet all NIST Lab criteria for our small mass lab.



In addition, we purchased and installed a new Mettler balance (64.1 kg by 0.01 g) for the Metrology Large Mass laboratory, which replaced the long term loaner from Mettler Toledo. (Our original balance was installed in 1992 prior to its failure in 2012.)



In November Jeff Dean, Ag Inspector, participated in Career Day at Greensboro Elementary School. He explained to the students how W&M and its staff provides “Equity in the Marketplace” in Maryland. He also demonstrated for the students how to use a five gallon test measure by weighing in kilograms and pounds on a scale. Go metric.

In other news, we purchased six gallon oil provers and four propane provers for the field inspection program. Pictured is one of the new 25 gallon propane provers mounted on a trailer and three of the six oil provers.



Lastly, we purchased WinWam packaging and device inspection programs for the entire field staff. Below Neal Nover of WinWam is demonstrating the practicality and resourcefulness of the programs to a portion of the field staff. Everyone is enthusiastic with its arrival and eagerness to use it. It's been a long time coming.



Since the last newsletter, Maryland's new field inspectors Xiaoli Hu and Dimeka Patterson are doing well and learning more each day. We have one new employee, Ag Inspector Sylvie Osias who joined us in December. On her second day of work we hosted our annual staff meeting with luncheon and our retired staff members joined us for a feast of grilled burgers and chicken, potluck and good cheer. We now have a full staff of field inspectors and we are thankful for everyone's success and good health.

In this issue, we will summarize the field activities in Maryland for our fiscal year of 2014 (July 1, 2013 to June 30, 2014.) In fiscal 2014, the field staff conducted approximately 32,100 inspections of commercial weighing and measuring devices and inspected and tested for net weight more than 6,630 lots of prepackaged commodities offered for sale. We responded to 641 consumer complaints related to sales or purchases involving a weight or measure.

| FIELD INSPECTIONS | | |
|---------------------------------|-------------|----------------|
| 2014 FY | | |
| Device Type | Total Tests | % in Violation |
| Weighing Systems | | |
| Large Scales | 831 | 21.9% |
| Medium Scales | 433 | 13.6% |
| Small Scales | 5,260 | 17.7% |
| Liquid Measuring Systems | | |
| Gasoline Dispensers | 23,576 | 21.2% |
| L P Gas Meters | 513 | 19.5% |
| Vehicle Tank & Other Meters | 1,464 | 12.8% |
| Other Inspections | | |
| Grain Moisture Meters | 106 | 12.3% |
| Programmed Tare Inspections | 1,406 | 13.3% |
| Price Scanning & Method of Sale | 30,277 | 2.2% |
| Delivery Tickets | 2,644 | 1.1% |
| Package Lots | 6,633 | 17.3% |

In addition to device inspections, Maryland Weights and Measures staff continues package testing and price verification activities. The following enforcement actions have been taken against violators:

- On July 8, 2014, the Maryland Department of Agriculture (MDA) received \$1,000 for a civil penalty assessed for price verification to Advance Auto Parts #5376 of Baltimore, MD 21229.
- On August 4, 2014 the Maryland Department of Agriculture (MDA) received \$500 for a civil penalty assessed for price verification to Walgreens #9632 of Waldorf, MD 20603.
- On September 2, 2014, the Maryland Department of Agriculture (MDA) received \$2,000 for a civil penalty assessed for price verification to CVS #4411 of Baltimore, MD 21215.
- On September 8, 2014, the Maryland Department of Agriculture (MDA) received \$2,000 for a civil penalty assessed for price verification to GNC #8420 of Salisbury, MD 21804.

- On September 19, 2014, the Maryland Department of Agriculture (MDA) received \$1,000 for a civil penalty assessed for price verification to Advance Auto Parts #1419 of Ellicott City, MD 21042.
- On September 19, 2014, the Maryland Department of Agriculture (MDA) received \$1,000 for a civil penalty assessed for price verification to Advance Auto Parts #6245 of Dunkirk, MD 20754.
- On September 19, 2014, the Maryland Department of Agriculture (MDA) received \$1,000 for a civil penalty assessed for price verification to Advance Auto Parts #1357 of Baltimore, MD 21218.
- On July 29, 2014, the Maryland Department of Agriculture (MDA) received \$1,500 for a civil penalty assessed for short weight to Safeway #1956 of Rockville, MD 20850.
- On August 20, 2014, the Maryland Department of Agriculture (MDA) received \$500 for a civil penalty assessed for short weight to The Fresh Market #131 of Rockville, MD 20852.
- On August 21, 2014, Maryland Department of Agriculture (MDA) received \$100 for a civil penalty assessed for unregistered device to Yogiberry of Gaithersburg, MD 20879.
- On October 8, 2014, the Maryland Department of Agriculture (MDA) received \$750 for a civil penalty assessed for short weight to Safeway #1089 of Gaithersburg, MD 20878.
- On December 22, 2014, the Maryland Department of Agriculture (MDA) received \$750 for a civil penalty assessed for short weight to LA Mart of Silver Spring, MD 20901. [†]

MISSISSIPPI

We are looking forward to hosting the Southern Weights and Measures Conference this fall. More information will be forth coming in the next newsletter.

Consumer Protection Division:

Over the holidays, Inspectors from the Consumer Protection Division made their annual grocery store inspections on holiday food items, such as turkeys, hams, ducks, and hens to ensure that consumers do not over-pay for seasonal foods sold by weight.

This season, Consumer Protection Inspectors across the State inspected 12,738 holiday food items in 253 stores. Of those packages, 1,576 were ordered off-sale and then reweighed because the store was not accounting for enough tare, collectively saving consumers a lot of money on holiday foods.

We recently fined three stores for price misrepresentation. The problems were noticed during routine Handbook 130 price verification inspections. Of the three, one store has settled and two are pending.

Since July 1, 2014 (the start of the Mississippi fiscal year), we have inspected 2,260 small scales in grocery stores and convenience stores. Of those, 2,215 were approved and 45 were rejected.

The petroleum division of the Mississippi Department of Agriculture has taken an active role in seeking Retail Motor Fuel Dispenser certification for all inspectors within the division. As part of the inspector training program, newly hired "trainees" will be required to obtain certification prior to promotion opportunities. Veteran inspectors have been very receptive to certification. To date, nearly half of the petroleum staff have completed the process.



(pictured Julie McLemore, Regulatory Services Bureau Director, Scott Deare, south MS, Brandon Thornton, central MS, Clay Hammons, supervisor, Mike Kusch, gulf coast, Cherry Eaddy, central MS, Jennifer Thompson, Division Director)

In addition, the entire petroleum staff recently participated in the NIST Draining 5-gallon test Measures and Provers webinar and also received certification. We appreciate these trainings offered by both NIST and NCWM and look forward to future opportunities for staff.

In other news, over \$6,000 has been collected for fuel quality violations through administrative complaints.

Weights and Measures:



Jason Doyle

The Weights and Measures Division would like to welcome recently hired, Jason Doyle. Jason will test scales in the Northwest area of the state. He will be testing the heavy capacity scales that have a capacity of ten thousand (10,000) pounds or more.

The department recently installed super-lifts to three vans that are used by the Intermediate Inspectors. These super-lifts will be used to lift five hundred (500) pound weights in and out of the inspector's vehicle. This new addition allows the inspector to test the scales more efficiently. ⚙️



Michael Blackwell & Will McNeese are testing the new super-lifts.

NORTH CAROLINA

Standards Laboratory

The last quarter of the year is usually a slow time for Standards Laboratory. As I write this the holidays are approaching and vacations are in the air. Before the lab becomes vacant I do want to share some great news! We successfully submitted documentation for NIST Office of Weights and Measures to recognize our Echelon I program from 30 kg to 1 mg. With the turnover of staff in the past few years, this project has been a challenging task to complete. I want to thank all of the metrologists and upper management for accomplishing our number one goal.

After being on staff for a little over two years, Kristopher Simino has resigned as a metrologist I to further his career at a local Community College in Surry County. Kris provided us with a lot of knowledge and a keen sense of humor during his tenure. We wish him well in his future endeavors. His last day was January 2, 2015.

The grain moisture program ended the 2014 harvest with a good soybean crop. We have added several new important pieces of equipment to our program. The first was a spiral separator, which has significantly cut down cleaning time on soy beans. We also purchased two UGMA moisture meters, which have helped with air oven to moisture meter comparison testing. We look forward to a busy inspection year and preparation for a great wheat harvest in June.

Sharon Woodard

Motor Fuels Section

The end of 2014 brought two retirements and a new hire to the Motor Fuels Program. Art Rupard retired as the Motor Fuels Program Manager at the end of September after serving in the Motor Fuels Section for over 26 years. He was replaced by chemist Marcus Helfrich in mid-December. In addition, Scott Sermersheim retired at the end of December after 31 years of service as a motor fuels inspector in the northwestern region of North Carolina. His position will be advertised in the coming weeks. In early November, Deborah Merritt joined the Motor Fuels section as the supervisor for the field inspectors after the position had been vacant for nearly a year. Deborah brings training experience alongside an extensive background in chemistry.

Marcus Helfrich

Measurement Section

In 2014 our staff of 40 Measurement Section Inspectors conducted inspections at 15,020 locations, along with 946 special requests or complaints. Below is the rest of our accomplishments, pretty good year considering we have had 3 to 4 vacant inspection positions throughout the year, plus 2 inspectors out on disability.

| 2014 | | | |
|------------------------------|---------------|-----------------|---------------------------|
| | Tested | Rejected | Rejection Rate (%) |
| Retail Motor Fuel Dispensers | 94,988 | 16,499 | 17.37 |
| Fuel Meters | 3,085 | 82 | 2.66 |
| Small and Medium Scales | 28,167 | 2,703 | 9.60 |
| Large Scales | 1,421 | 200 | 14.07 |
| Total Scales | 29,588 | 2,903 | 9.81 |
| Price Scanning Systems | 2,295 | 154 | 6.71 |
| Packages | 2,208,155 | 59,708 | 2.70 |
| Stop Sales | 338 | | |
| Civil Penalties collected | | | |
| Complaints/ Requests- Total | 946 | | |
| Total Visits | 15,020 | | |

Inspectors Jimmy Bowles, Lang Bailey, Ray Winslow, Mike Bollinger and Kenny Reed all retired this year and as I stated 2 inspectors have been on disability for most of the year. One Area Supervisor, Wayne Compton retired on December 31st.

Travis Burger is back after a 2 year hiatus filling Jimmy Bowles' position. Ryan Coffield has replaced Lang Bailey on one of the Heavy Scale Trucks. Tommy Nixon has taken Ray Winslow's dual role position. Tony Gibson has replaced Kenny Reed and we are doing interviews for Mike Bollinger's weights and measures

position as I write this report. Chad Parker has been selected to fill Wayne Compton's supervisor position, thus creating another void.

With a little luck we may can be fully staffed this year but, then again we have 3 more guys retiring this year. So a full staff is probably a wishful dream.

Jerry Butler

LP-Gas Section

Our LP-Gas Engineer, Richard Fredenburg, made two trips to Quincy, MA, late last year to participate in the Technical Committee for LP-Gases meetings, where they considered the proposed changes to the *LP-Gas Code*. There were so many proposals that it took two meetings to get to all of them.

Included in those meetings was a discussion about the code's application to some of the non-flight aspects of propane use in hot-air balloons. Interestingly, that subject came up recently as we were invited to address a retraining session of a balloon association about propane safety. While the code applicability does not directly affect the safety concerns, some of the considerations for the applicability will likely be discussed during the presentation.

We continue to refine GRID, our database and software for performing LP-Gas inspections. As we identify needs, the support staff finds ways to accommodate us. Recently there was a concern about the operational status of sites when they were in the approval and pre-construction phase. There was a fairly quick response to that need. Something that will likely take longer is implementation of an effort to assess a penalty based on a company's employee responsibility for a certain violation rather than the company.

Richard Fredenburg 

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