



# Southern Weights & Measures Association

80th Edition

SWMA Newsletter

January 2000



Steadman Hollis, right, passes the gavel to the new SWMA President, Damon Slaydon.

## JURISDICTIONAL NEWS

### Alabama

The first of November, Alabama Weights and Measures took possession of a new heavy duty weight truck. This truck will be used in the Southeastern portion of the state. Plans are to purchase another truck this fiscal year.

It has been a long time since Alabama had regular training schools for its field staff and industry. We are hoping to get started again beginning with Tom Stabler teaching a school on scale testing during the week of January 31.

We still have some Conference Cookbooks available. If you are interested in purchasing a copy of "A Taste for All Seasons", call Marilyn Mitchell at (334) 240-7134 or sent \$5 per copy to Weights and Measures, P. O. Box 3336, Montgomery, AL 36109-0336. ☩

### Arkansas

The National Conference on Weights and Measures, held in Burlington, Vermont this past July, was attended by Mike Hile and Bill Sullivant. A lot was accomplished during the week, especially in the area of NTEP management. We are fortunate to have one of our capable SWMA members as a Chairman of the NCWM this year. Congratulations to Wes Diggs from the Commonwealth of Virginia! The SWMA and NCWM will be well represented in the coming years.

During the week of August 15, Tim Chesser, Laboratory Supervisor, attended the NTEP Training Course hosted by Nist. Tim conducted a training class for the Bureau of Standards personnel in November. After holding a public hearing in December, we adopted the regulations contained in NIST Handbook 130. The new regulations are scheduled to take effect in February of 2000.

We have had several new additions to our field staff. They include Larry Wornock and Paul Henderson who are working in the large-scale tersting program and Lew Christie who was hired as an L.P. Gas Technician. David Guest, Petroleum Products Test Technician, a new employee, is in training on the mobile testing laboratory. Tiffny Stewart was recently promoted to Administrative Assistant, after working in the Petroleum Division for several months. Tiffny has made the transition remarkably well and is a big asset to the Bureau. Additionally, Susan Fugatt recently joined our administrative staff in the secretarial position. They are all doing a great job.

Mike Hile, Bill Sullivant, Tim Chesser, and Frank Frazier attended the SWMA Annual vonference in Mobile,

Alabama. We appreciate all the hard work Steadman and the Alabama staff did in order to make this year's meeting a success.

With the holiday season approaching, and as we enter a new Millennium, let us pause to give thanks to our creator for all our blessings. I wish each of you and your families a joyous holiday season and a happy and prosperous new year. ☩

### Delaware

Inspector William Lagemann of the Delaware Weights and Measure staff has been named 1999 Fire Policeman of the Year for the State of Delaware. Bill's dedication to the fire service has spanned many years and we congratulate him on this well deserved award. Bill was installed as the Kent County President of that organization in December 1999.

The Weights and Measure section purchased a new 100-gallon fuel oil prover from Seraphin Test Measure Company in early October. This prover is the first replacement for the antiquated equipment that has been in service since 1964. Three additional provers have been requested in our fiscal 2001 budget.

We have also taken delivery of a new 1999 Dodge Ram one ton pickup. This vehicle is equipped with dual rear wheels, a contractor's cap with a tool box on the passenger side and two access doors on the driver's side, a rubber bed mat, and a trailer hitch. Inspector Nickerson will be using this vehicle to determine its suitability as an inspector's work truck. All indication is that this set-up will be a vast improvement over the currently used vans.

Fuel Pro, a local oil company, (Angela LaFrance, owner) was convicted on two violations of Delaware Weights and Measures code 5128 & 5134. They were fined \$600.00, court costs and victims compensation. Ms. LaFrance received 1-year probation and agreed to refrain from operating an oil delivery business in violation of any Federal or State law or regulation.

Pep Boys #63 plead no contest of one charge of the Delaware Weights and Measures law pertaining to price verification and paid a fine of \$90.00.

#### **The following are short weight packaging violations:**

Super Value #9014 plead guilty to two violations of Delaware Weights and Measures law and paid a fine of \$180.00.

Shop Rite #538 plead guilty to two violations of Delaware Weights and Measures law and paid a fine of \$652.00. ☩



## Florida

The Bureau of Weights and Measures just completed a Holiday Sales Price Verification sweep throughout the state. During the week of December 6, a total of 83 stores were tested using a stratified sampling procedure that selected 25 sale items and 25 regularly priced items at each store. Of the 83 stores tested, 15 failed to meet the 98% accuracy standard. Of those 15, there were 10 that failed for excessive undercharges and 5 that failed for excessive overcharges. Overall, 2.8% of the sale items scanned incorrectly and 2.9% of the regularly priced items were in error. Two-thirds of the overall errors were in the customers' favor, while the largest of the overcharges was \$69.01 on a dress that was on sale.

Senior Metrologist Barry Smith transferred back to the field inspection program. His experience and knowledge of weighing and measuring principles has been a great benefit in the field testing activities. In September, we were able to hire Metrologist Davis Terry to fill the vacancy created by Barry's transfer. We plan for Davis to attend the Basic Metrology Course at NIST as soon as possible.

Senior Metrologist Mike Cook, Metrologist Paul Gentry, and Lab Technician Greg Besoiu were awarded an Outstanding Achievement Award for Safety by Commissioner Bob Crawford at the Department's Annual Awards Luncheon in December. The award was for their work in developing and fabricating a weight handling system for the calibration of 25 - 100 lb. cast iron weights. The new system, which utilizes rollers, a carousel table and a rotating pneumatic lifting cylinder reduces the amount of lifting required in the process by up to 50% and reduces the chances of injuries due to heavy lifting and awkward moving while lifting. The employees received a commemorative plaque as well as a cash award.

Field inspection activities for the past three months have included a focused effort to make sure all taximeters are inspected and in compliance. Many new, smaller cab companies are opening in rural communities and counties and are not always aware of laws governing commercial devices. Some of these cities and counties have no taxi ordinances, and the only oversight or regulation of taxies are the inspections and tests of the meters performed by our inspectors. Earlier in 1999, two cities in which we had performed taximeter inspections for years assumed the meter testing responsibilities with our assistance. In most cases, local control and regulation of taximeters is more effective and fits well with local taxicab safety and licensing programs already in place.

The Bureau of Petroleum Inspection has begun a program of surveying antifreeze dispensation methods at motor vehicle repair shops. Of particular interest is the use of recycled antifreeze. Initial sampling of these types of antifreeze at radiator repair shops indicates that much of the recycled product fails to meet the standards established by state statute.

Additionally, Petroleum field inspectors have been conducting or participating in undercover purchases and investigations throughout the state in monitoring motor fuel dispensers.

We again thank Steadman Hollis and his staff for the hospitality and the excellent meeting they hosted in Mobile. We offer a special thanks for the work they put in to publish the SWMA Cookbook.

We hope everyone had a safe and happy Holiday Season. Max Gray and Steve Hadder plan to attend the Interim Meetings in January and look forward to seeing everyone. †

## Louisiana

Ronald Harrell and staff would like to begin by wishing everyone a happy and prosperous new year as we enter into the new millennium.

We would also like to compliment Steadman and his crew for a fantastic Southern conference in Mobile. Ronnie Harrell and Archie Lambert attended from our State and felt that it was a productive and informative conference, while the atmosphere was truly "Southern" style. Thank you Steadman!

We have been working diligently on Price Verification and Package inspections during the last few months. The Price Verification approval verses rejections is running at 83.33% to 16.67%, with the percentage of overcharges being 31.33%, undercharges 39.42% and PND's being 29.25%. Our package program currently has an approval rate of 88%. †

## Maryland

- On December 16, 1999, we had a staff meeting at our facility in Annapolis, complete with a cook-out for lunch. Lou Straub, Will Wotthlie and Dick Shockley did an outstanding job cooking chicken, sausage, hot dogs, hamburgers and elkburgers on the grill. Maryland Dept. of Agriculture Asst. Secretary, Mr. Hagner Mister attended the meeting and presented certificates of appreciation to inspectors who inspected the highest number of devices, and had the highest overall production rating during the last six months.
- Chief Lou Straub and Program Managers Will Wotthlie, Andrea Buie-Branam, and Bob Eaves are going to attend the interim meeting of the 85<sup>th</sup> NCWM held in Bethesda, MD during January 19-23, 2000.
- Mr. Richard F. Kayser, Director, Technology Services, and Mr. Tom Gills of NIST visited our office on December 17, 1999 and toured our NTEP and Metrology Labs. They plan to return during January 2000 and observe our inspectors performing various inspections in the field.

### Recent Civil Penalties and Court Activities

- On September 22, 1999, we received payment of \$500.00 for a civil penalty assessed against Pre-Mix Industries, Inc., Clinton, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On September 24, 1999, we received payment of \$250.00 for a civil penalty assessed against Food & More, Baltimore, MD. The civil penalty was assessed due to short-weight violations found during a routine package inspection performed at the establishment.
- On October 12, 1999, we received payment of \$150.00 for a civil penalty assessed against Kimmy's Restaurant, Baltimore, MD. The civil penalty was assessed due to short-weight violations found during test purchases conducted at the establishment.
- On October 20, 1999, we received payment of \$1,000.00 for a civil penalty assessed against Sam's Club #6357, Annapolis, MD. The civil penalty as assessed due to short-weight violations found during a routine package inspection performed at the establishment.
- On November 15, 1999, we received payment of \$500.00 for a civil penalty assessed against Shoppers

Food Warehouse #26, Coral Hills, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.

- On November 15, 1999, we received payment of \$500.00 for a civil penalty assessed against Shoppers Food Warehouse #43, Lanham, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.

## Mississippi

### Consumer Protection Division

Harold Baughman resigned from the department on October 1, 1999 to accept a job in the private sector. Harold has been a dedicated employee and had served over 6 years in the division as an Inspector, Regulatory Services. We wish Harold the best in his new job. On December 3<sup>rd</sup>, Dwain Lott was employed as an Inspector, Regulatory Services Trainee to fill this vacancy. Dwain has undergone intensive on-the-job training and will be assigned territorial responsibility upon successful completion of this training.

Inspector, Regulatory Services, John Perry is transferring from the Meat Inspection Division and will begin working in our division after January 1<sup>st</sup>.

John Tillson looks forward to attending the NCWM Interim Meeting in Bethesda, MD.

### Weights and Measures Division

The Weights and Measures Division is happy to announce that Ena Gustavis, of the State Metrology Lab, has been promoted to State Metrologist. Ena has worked very hard to maintain certification for the lab and we certainly congratulate her on a job well done!

A new Metrology Laboratory is getting closer to reality, recently, bids were accepted for construction, so we expect that very soon construction will begin and we will have a new lab by the end of 2000.

We are very pleased to have received the replacement vehicle for the test truck that was totaled in 1998. This now completes our fleet of new vehicles. David Rice, the driver of this new freightliner, is very happy with his new truck.

We want to take this opportunity to wish each and every one of you a very happy holiday season, and a safe and prosperous New Year. ☪

## North Carolina

Val Miller has been promoted to the Quality Manager position at the Standards Laboratory. Val brings a wealth of private industry experience to the position. We are excited about this opportunity and we expect to fulfill a number of quality goals in the coming year. Val also attended the October SWAP meeting in Denver. In addition to establishing helpful contacts with other metrologists, he brought back needed understanding of the new PMAP program, weight classification systems, and our round robin results.

LF recently participated in a meeting with NIST management. LF reports that in spite of the issues surrounding the NCWM and NIST, the relationship between the state laboratory metrologists, OWM, and the various measurement groups continues to be very good and mutually helpful. To bolster his position, he cites the following items:

- The NIST statistics group is rewriting the mass code incorporating many features that will be very useful to the state labs.
- We will receive the MeasureNet computer system and training in January. The system will provide the ability to virtually attend and participate in training sessions and meetings.
- The Mass Pivot Round Robin with the NIST mass group and the state laboratories continues to progress. Demonstrations of various procedures for this round robin will be one of the first major uses of the MeasureNet system. The metrologists and OWM regret that the NCWM Board of Directors could not find time during their schedule to come to NIST for a demonstration of this groundbreaking new technology.
- Training has been provided on ISO Draft International Standard 17025. Over the next two years, this standard will take the place ISO Guide 25.
- A working group reviewed 17025 comparing it to NIST HB 143 to see what is needed to move to the new standard. The group found that most of the new requirements are covered under existing programs as developed by the NCWM ISO Task Force in 1992. A few changes will be necessary, but nothing like what was required when the state laboratories moved to ISO Guide 25.
- NVLAP has assigned lead auditors to all 8 state laboratories that have applied for accreditation. We continue to encourage all State Laboratories to take

advantage of this opportunity for NVLAP accreditation at whatever level they are currently working.

Because of personnel turnover in the past few years, our thermometry program had fallen on hard times. With the addition of Val to the laboratory staff, things appear to be looking up in this area. Val and Glen recently visited the Minnesota laboratory to see how they operate their thermometry program. We are indebted to Carol Hockert and Bruce Adams for taking the time to show Val and Glen around. A side trip to Rice Lake was also taken. Rick Calkins rolled out the red carpet, for which we are very thankful.

We seem to be prepared for the Y2K problem. A tremendous number of man-hours has been devoted to this issue. It's possible some things may have been overlooked and that would be very disappointing given the amount of time spent on the subject. Right now our biggest issue involves the use of Windows NT with some of our existing laboratory software. To put it bluntly, we are experiencing compatibility problems.

Advance Auto Parts Company has paid a \$1,000 civil penalty to settle a civil penalty assessment for an excessive price scanning error rate at one of its stores. In addition, the company agreed to make its North Carolina store managers available for a presentation on price scanning accuracy. The first session took place on November 30. Gerald Brown, Donald Byrd, and Donnie Perry explained the procedure for selecting packages and how price-scanning errors are defined. Following the classroom session, everyone walked around the store and noted signage that potentially could be a problem. These sessions are valuable because store personnel get a chance to ask questions without having to worry about an official inspection and our inspection staff are confronted with situations that fall into that big "gray area". We think these sessions are win/win for everyone.

Over the past few months we have concentrated on tare inspections at grocery store checkout scales and in delis. The problem is far worse than originally imagined. During the initial inspections we found that many stores simply did not take tare at the checkout scale. While there are probably many reasons for this, the main two involve poor training and high personnel turnover. After three months or so of intensive inspections, the situation is greatly improved. A few problems remain, but these problems result from the way some items are sold. For example, the popular method for selling coffee beans involves a number of bins containing different coffee flavors. The customer dispenses a quantity of beans into a heavy, decorative bag. Because the clerk must manually enter the tare, it doesn't get done every time. The ideal so-



lution would be for stores to automatically enter the tare whenever coffee beans are weighed. Well, it's always easier to rewrite software in theory than to actually get it done and make it work. In spite of the problem, we see light at the end of the tunnel.

We have received the National Bark and Soil Producers Association's test measure for testing potting soil. In a few weeks we will put the test measure through its paces. We are hoping the association has informed its members of the need to put in the bag what you put on the label. Otherwise, we will find problems and spend too many hours working through the issue.

The Motor Fuels Laboratory has added two ISL AD86-5G automatic distillation units. These are up and running to specification. Also at the laboratory we are nearing the completion of a major electrical rewiring project on that part of the building constructed in the early 1950s. They did things a little different back then. Needless to say, the contractor has found things he didn't anticipate. The project has taken longer than planned and it has cost more than originally budgeted. But we again see light at the end of the tunnel.

In the gain and loss category, Joanne Covington, Laboratory Supervisor at the Motor Fuels Laboratory, has resigned to take a position at Duke University Hospital. We wish Joanne much success in her new position. Mike Dunn has joined us as a petroleum meter calibrator assigned to the central part of the state. Mike will be testing vehicle tank meters and terminal/loading rack meters.

We are very pleased to announce that David Smith has been elected to a three-year term on the ASTM Board of Directors. David has just completed a six-year term as chairman of ASTM Committee D02 on Petroleum Products and Lubricants. It seems that some people like to go from the frying pan to the fire.

Lastly, we have major news concerning Commissioner Graham. The Commissioner recently announced he would not seek re-election. He said that after 36 years as Commissioner of Agriculture it is time to take a break. On a sad note, Commissioner Graham lost his wife of 57 years, Helen, on December 3. For the past several years she had suffered from Alzheimer's Disease. †

## Tennessee

Bob Williams reports that all attendees at the recent SWMA Conference had a great time with much knowledge exchanged with new and exciting ideas presented. Steadman Hollis and his staff did an excellent job in organizing the conference. It was also gratifying to see Cathryn Pittman as she holds a special place in all of our hearts!

The upcoming Interim Meeting of the NCWM should prove to be very beneficial to all attending members as there never seems to be a shortage of important topics to discuss! Hopefully, Randy Jennings as the Petroleum Subcommittee Chairman and Technical Advisor along with Bob Williams as a member of the Laws and Regulation Committee will be in attendance.

With the support and leadership of Regulatory Services Director, Mr. Jimmy Hopper, we are in the process of obtaining some much needed equipment for both the metrology laboratory and field inspectors. Tom Smith, Metrologist, has requested updated environmental monitoring equipment and mass standards for the metrology laboratory and we are preparing specifications for a replacement chassis and enclosed large scale testing unit with a test cart.

Our Middle and East Tennessee Regional Supervisors report no major problems so far with scale inspections and checkweighing at the tobacco markets.

We recently hired two (2) new inspectors in Middle Tennessee. Mr. Jay P. Melcher and Mr. Johnny Robinson joined our staff and have quickly become vital team players. Johnny transferred to us after many years in our Livestock Inspection Section and Jay, who is originally from Texas, was self employed in the Lynchburg, TN area of Middle Tennessee.

Ed Coleman continues to devote a major portion of his time to training both our field personnel and industry in the areas of checkweighing and price verification. Ed is a tremendous asset to our section and his work is greatly appreciated. He recently appeared on one of the Nashville area TV stations conducting a price verification inspection at a local retail food establishment. This segment proved to be very beneficial to our program as we have received several positive comments. As usual, Ed did a very professional job on this assignment.

Our staff reports that they and their families experienced a very festive holiday season, however we were very saddened to learn that the daughter of one of our inspectors, David Gibson, was fatally injured in an automobile accident before Christmas. Our hearts and prayers are with the Gibson family during this very difficult time. †

## A Message by G. Weston Diggs

### Chairman

#### National Conference on Weights and Measures

As Chairman of the National Conference on Weights and Measures, I would like to address several issues the Conference is working on. The Handbook 44 project, the issue of re-manufactured devices, future Conference leaders, our relationship with the National Institute of Standards and Technology/Office of Weights and Measures (NIST/OWM), and the National Type Evaluation Program (NTEP).

As Conference Chairman one of my top priorities is the re-organization and re-write of NIST Handbook 44. Many of us in weights and measures believe the handbook has become too difficult to interpret and also needs to be more reflective of today's technology. This will be a long term project and I have appointed Ron Murdock to lead us in this important project. His committee has met and reached a consensus on the re-organization of the handbook. The next step will be the re-writing process. It is my understanding that during the re-writing only editorial changes will be made to the document. This project will take several years to complete, however, its long over due.

The Conference had been trying to decide what to do about identifying re-manufactured equipment. This issue had a large impact on motor fuel devices and re-built load cells. The issue was before the Specification and Tolerance Committee (S&T) for over three years. This year, at the Interim in Albuquerque, the S&T Committee could not agree on wording that could be presented to the Conference for voting and they dropped the issue. The Board of Directors, without taking a position on the issue believed it was important enough to have the Chairman, Aves Thompson appoint a task force to develop wording addressing re-manufactured equipment the conference could vote on. According to Jim Truax, Chairman of the task force, this issue will not be ready to be voted on until the 2001 Annual Meeting.

The Conference should work on identifying and developing future Conference Leaders. Many of the current leaders in the Conference are retiring or leaving the weights and measures community for other reasons. We have new people coming to our conferences each year that we don't really know. We need to find a way to get these people more actively involved in our process, they will be our future leaders.

As many of you know, the working relationship between the National Conference on Weights and Measures

and our partner, the National Institute of Standards and Technology became strained and started to deteriorate after the 1999 Annual Meeting. The primary reason for this deterioration was the Conference's Board of Directors decision to take over the administration of the National Type Evaluation Program (NTEP). As you may have heard, at a September 2, 1999 meeting between Conference leaders, staff of the National Institute of Standards and Technology (NIST) and NIST Office of Weights and Measures (OWM) it was announced NIST would start operating on a total cost recovery basis for all support relating to NTEP. As a result of this decision by NIST the communications between NIST and the Conference almost stopped. In recent months things have improved. With the help of our industry and regional weights and measures associations, NIST has been convinced of the importance of its current roll and mission of providing technical support to NTEP.

Dr. Richard Kayser, the new Director of Technology Services and his staff have been instrumental in working with the Conference leadership in re-establishing a positive relationship working toward our common goals. If you have not seen the NIST/NTEP web page in recent weeks it deserves a look. There is a NTEP Question and Answer page that addresses questions relating to the NTEP transition. These questions and answers are addressed from a straight forward and positive approach.

There is also a list of activities that the OWM does in support of the National Conference. This list shows where they believe the priorities should be. They have asked the Board of Directors for feedback on the list and what they think the OWM priorities should be. If you look at this segment of the web page you will notice OWM is increasing their activities in some areas while decreasing them in others, the level of some activities will remain the same. The most important issue is that the support of these Conference activities will not be done on a cost recovery basis as previously indicated by NIST.

I will re-state my belief that NIST/OWM and the National Conference are working in a new spirit of cooperation that will be for the betterment of the Conference and our system of weights and measures in the United States. ✠

### **NIST / NTEP Web Page**

Contained in the message by G. Weston Diggs, Chairman, National Conference on Weights and Measures (page 7) is a reference to the NIST/NTEP web page. The page can be accessed by using the following address:

nist.gov/owm

Click on:

NATIONAL TYPE EVALUATION PROGRAM

NTEP TRANSITION

FREQUENTLY ASKED QUESTIONS AND ANSWERS ↕

### **Contact SWMA**

The SWMA Newsletter is published quarterly. Annual dues are \$25.

Membership inquiries should be directed to:

N. David Smith

SWMA Secretary-Treasurer

NC Department of Agriculture & Consumer Services

P.O. Box 27647

Raleigh, NC 27611

Phone: 919-733-3313

E-Mail: David.Smith@ncmail.net

News may be submitted to:

SWMA, Bill Brasher - Newsletter Editor

1904 Mission Road, Birmingham, AL 35216.

E-mail: wdbrasher@mindspring.com ↕

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**SWMA Newsletter**  
**1904 Mission Road**  
**Birmingham, AL 35216**

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