

# Southern Weights & Measures Association

81st Edition

SWMA Newsletter

April 2000

## Changes at the Office of Weights and Measures

OMS embarks upon an era of improved focus, effectiveness, visibility, and impact.

Henry Oppermann has been named as Chief of the OWM, **effective, April 9, 2000**. Henry will provide leadership to OWM in its changing and challenging environment. With 24 years of weights and measures experience, Henry brings to the position an appreciation for the necessary partnerships with the weights and measures community.

Gilbert Ugiansky has been assigned to the position of Deputy Director of OMS. Gil will take on a key role in coordinating the development and implementation of e-business activities across OMS and the systematic consolidation of needs assessment of measurement services activities.

## Personal Thoughts on Weights and Measures

By Chris Guay

I would like to thank County Auditors' Association and the OWMA for the opportunity to be here today to talk about a subject that I feel strongly about - Weights and Measures.

My name is Chris Guay and I work for Procter & Gamble in Cincinnati, OH. where I am a Principal Scientist in our Regulatory and Government Affairs organization.

I'm here today on behalf of the Ohio Weights and Measures Association to provide some of my thoughts on weights and measures. While OWMA asked me to talk about weights and measures, what I am going to say are my own thoughts and do not necessarily reflect the viewpoints of the Association or its members. I will also point out that my comments also doesn't necessarily reflect the views of all "industry" in general.

My involvement in weights and measures dates back to 1989, and I am currently the Industry Representative on the OWMA Executive Committee. I also serve on several committees in regional and national weights and measures associations.

The OWMA asked me to speak today because I think they sense the importance that Procter & Gamble, my employer, and

I place on the weights and measures community and the need for having sound weights and measures programs, trained inspectors, and active and supportive management. Frankly, without weights and measures the market would be chaos - everything will fall to pieces.

Procter & Gamble is a global consumer products company that is headquartered in Ohio. We sell products in at least 155 countries worldwide. P&G's business is consumer products - and many of our brand names may be familiar to you -Tide, Crest, Jif, Pampers, Charmin, etc., etc.

You may be aware that every single one of those consumer products has a net content statement on its principal display panel - telling the consumer how much product is contained within that package. The requirements for the net content portion of the label on the package as well as the actual contents within that package fall within the realm of weights and measures.

In this way, weights and measures impacts P&G's business millions of times each and every day - every time we fill a package AND every time a consumer chooses to purchase one of the products we make. Regardless of the packaging facility, the route to market, the product's flavor, the product's physical form, or the package size, it is our responsibility to ensure that our products contain the labeled net contents.

And, ladies and gentlemen, I'm here today to tell you that we welcome this requirement.

### WHY?

Because we believe in a fundamental business principle - We believe everyone must play by the same rules and meet the same requirements. Said differently, we want a level playing field between us and all the other companies who manufacture and sell competing consumer products. We also want consumers to be able to make fair value comparisons and make product choices based on having accurate information at the time of purchase. We very strongly believe weights and measures officials serve a vital role in helping this to happen.

So, even though P&G doesn't make scales or gasoline pumps, the weights and measures impact on our business is just as important. Each area - be it scales, meters, dispensers, and packages - has test requirements intended to confirm that a com-

mercial transaction's quantity is precise and accurate. The role of ensuring this is fundamentally and critically important.

Package checking at retail is in my mind the great equalizer in the marketplace. Everybody has to meet the same requirements regardless of where the package was packed (here in Ohio or in Mexico City), how it was packed (by hand or with sophisticated state of the art equipment), what it was packed into (be it cans, aerosol containers, or just in plastic). In this regard, P&G strongly endorses the need for retail store inspections — as opposed to only warehouse and factory inspections. We believe it is not good enough to say, "Well, it was OK when we made it". On the store shelf, where the consumer makes value comparisons, each product must meet the same Handbook 133 net contents test procedures or be taken off sale. Ensuring that even retail-size portions of large manufacturing lots can meet HBK 133 requirements in our view helps ensure that the entire production lot can meet HBK 133 requirements. This gives consumers confidence that they can rely on the stated net contents in making product comparisons. It also gives manufacturers confidence that everyone is playing by the same rules.

Misrepresenting product quantity is one fairly subtle but significant means of shifting the value equation to consumers. In the product categories in which P&G competes, thousands - even tens of thousands of packages - may be produced in a given day or production run. Skimping on fill weight by even a few grams per package can result in a so-called annual "cost savings" of several million dollars. Misrepresenting product quantity can be used to artificially lower one's price relative to competition, making consumers believe that "short weight" product is really a better value, skewing the consumer's value equation and shifting market share away from those companies who are trying to play by the rules.

Since most consumers focus on product price, quality and/or performance, they often don't notice product net content abuses -that is short fills -unless they are excessive. Given the huge financial incentive in "skimming" some product, without weights and measures enforcement, I'm sure the integrity of product net content declarations would erode rapidly. You may be aware of isolated, previously unchecked product categories where this kind of problem has been observed.

Obviously, weights and measures systems must exist in a civilized society and there must be an enforcement mechanism to ensure it is adhered to. The British answer from the Middle Ages was perhaps a little on the drastic side - death to short weighters - but that penalty did reflect the importance THEY placed on ensuring accurate measurement in commerce.

Today, the US weights and measures system for commercial transactions is much more detailed, scientifically-based, and, thankfully, humane. Weights and measures officials in local and state jurisdictions are the overseers of this system to ensure it works for everyone. From where I sit, I see this role of overseer as being comprised of two vitally important and interwoven functions -one focusing on the development of weights and measures requirements (regulations, policies, and procedures) and the other focusing on the enforcement of those re-

quirements (to ensure an equitable marketplace). I personally believe weights and measures jurisdictions need to actively participate in both.

I'd like to talk about these two functions a little more fully, starting with compliance, which may be more familiar to most of you. As a product manufacturer, compliance with weights and measures laws is critical. As a consumer, compliance with weights and measures laws is critical. In competing with other companies, P&G wants weights and measures inspectors checking our products and our competitors' products to make sure we are all meeting the same standards. As a consumer, Chris Guay of Warren County, Ohio, wants weights and measures inspectors checking products to make sure I am truly getting an accurate representation of quantity -or- to use the common phrase "to get what I'm paying for". As a manufacturer and a consumer I want there to be enough competent weights and measures officials as necessary to ensure a high level of compliance in the marketplace.

Give us well trained inspectors! Give us lots of well trained inspectors!

I really cannot emphasize how important inspector training is to manufacturers. The weights and measures field is not an easy one to master. Nevertheless, mastery is needed in order to safely generate the kinds of data necessary to determine if a product or device is in or out of compliance. The protocols for testing meters, pumps, scales, and consumer products are quite detailed and strict adherence to them is necessary to generate accurate, robust data for use in determining if a product or device is in or out of compliance. In addition, the inspector's own safety may hinge on adherence to the protocol.

This puts a real emphasis on inspectors being able to correctly employ the proper test procedures. If proper test procedures are not used, inspectors may be injured, compliant products and devices may be cited, non compliant products and devices may be passed. Imagine the impact to your program of an injured inspector. Imagine the impact of keeping a non-compliant device on the market for another year. Can you imagine the time and resources that can be spent resolving a product challenge when a weights and measures jurisdiction uses the wrong test and/or performs that test incorrectly?

From my perspective, inspector training is the most important function weights and measures management can promote. I would personally encourage you to support weights and measures training in your home jurisdictions.

There are many avenues open for training including ODA/OWMA sponsored statewide and district training "schools", training sponsored regional weights and measures organizations such as the Central Weights and Measures Association, opportunities to combine training sessions with neighboring counties and/or states, and training sponsored on the national level through the National Conference on Weights and Measures and NIST.

In addition, industry has developed ways to help support inspector training. In 1994, during my tenure as chairman of the National Conference on Weights and Measures Associate Membership Committee, the Associate Membership (the in-

dustry members of the NCWM) started the practice of providing industry-sponsored scholarships specifically to support inspector training. This current year, the Associate Membership has made 50 scholarships for \$500 each available in support of inspector training - and has delegated their management to the NCWM Administration and Public Affairs Committee. There are also companies that provide inspector training.

In addition, I look for ways to encourage and support weights and measures training and programs where the leverage of P&G's support can help. In Ohio, I monitor the training summaries and updates contained in the OWMA newsletter and, as a resident of Warren County, I have been known to send a periodic letter to my County Auditor encouraging current and continuing support of inspector training. In other states, we've written letters to support weights and measures programs in danger of facing the budget axe.

Now let's move on to what I feel is other vital function of weights and measures - participation in the requirement and policy arena.

Most of the nation's weights and measures law actually exists at the state level. While there are a few Federal laws pertinent to packagers, most notably the US Fair Packaging and Labeling Act, and Federal regulations from agencies such as FTC, FDA and the Dept. of Agriculture, these mainly provide a broad legal framework for the states.

In the early 1900s, the National Conference on Weights and Measures (NCWM) was created by the National Bureau of Standards and the states to help promote uniformity in weights and measure requirements between the states. The NCWM is comprised of representatives from state, county, and city weights and measures programs, Federal agencies such as NIST, FTC and FDA, consumer groups, industry - and even weights and measures officials from other countries. The purpose of the NCWM is to develop model regulations. These model regulations in and of themselves have no regulatory stature, however, they do serve as the platform for the weights and measures laws in most states. As a result of the National Conference on Weights and Measures (NCWM)'s historic and continuing effort to develop model regulations and evaluation procedures, there is, in my opinion, a reasonable degree of enforcement uniformity across the states

As I'm sure you are aware, change is rampant in today's society. The world of commerce is not at all static and new laws and regulations must constantly be developed to address problems created by the development of 1) new technology, 2) changes in marketplace practices, 3) quality declarations, and 4) international harmonization. As stated earlier, we are now closing in on the end of the 1990s - but do you remember the beginning of the 1990s - without electronic price scanning, without Home Depots (at least in Ohio), without "Plus" grade gasoline, without NAFTA, without metric labeling on packages, without the internet?

The world of commerce is not static and neither is the world of weights and measures. The National Conference on Weights and Measures is the forum that brings industry and

government officials together in order to resolve issues in a manner that tries to build and reflect a consensus view. And believe me, it takes a lot of work to build consensus opinions on issues that can initially look to be very controversial and polarizing. This process of developing new requirements is ongoing one - the NCWM adopts new amendments annually.

The testing procedures used in package, scanner, scale, and gas pump checking and gasoline quality are products of the National Conference on Weights and Measures. They were developed jointly with input from both the public and private sectors working together to help resolve an issue. Participation and membership in the NCWM is open and would give the OWMA and/or individual jurisdictions a voice and a vote in the process of resolving issues. The NCWM gives every registered local/state weights and measures official present the opportunity to comment and vote on each issue. Send two people, get two votes. Send three, get three. And so on.

So why would your jurisdiction want an NCWM vote? If you get a gas quality program (and I think you should), do you want to participate in setting the test requirements? Are you ready for Premium Diesel? What about buying sandwich meat by the kilogram? or should be by the hectogram? Just what is a remanufactured device? And how do you assure accuracy in transactions conducted upon the internet?

Participation in the NCWM is not limited to just the weights and measures officials in state organizations. County and City weights and measures officials are welcome to, and do, participate, input and vote. Counties in California, a state that also has both state and county weights and measures jurisdictions, sent 12 county representatives to the 1999 NCWM annual meeting in Vermont. Almost 20 attended this year's Western Regional Association Meeting in Washington State.

Now a couple of final words. As I said in opening, I'm here today at the request of the OWMA leadership to give you **my** thoughts on weights and measures from the perspective of being an employee of P&G.

Weights and measures performs a vital service to consumers and businesses and it may seem to be a low priority in your office and go largely unnoticed politically. I'm here today to tell you in no uncertain terms that P&G values the functions performed by weights and measures which is why we have been active in this area for many years. I have personally found weights and measures officials to be dedicated people of high integrity interested in an objective we strongly support - promoting equity throughout the marketplace.

I would strongly encourage you to consider doing everything you can to help build the capabilities of your programs. Get everyone trained. Make use of the local, regional, and national resources available. Support your people and your organization to become a player in the state, regional and national level. If you're of a mind to, get more involved yourselves.



## JURISDICTIONAL NEWS

### Alabama

Fred Brown, employed in our Weights and Measures Laboratory last October, has just completed 3 weeks of Basic Metrology training at NIST in Washington, D.C.

As part of the upgrade to our Weights and Measures Laboratory, Mr. Fred Bryant of John P. Muller Associates, Seffner, Florida, recently overhauled our Russell Balance. It looks and works like new since the extensive overhaul.



Tom Stabler, Stabler Training Services, Inc., conducted a three day training school on Jan 31- Feb 2, 2000, for staff and service personnel on NIST Handbook 44. ☞

### Arkansas

In December of last year, we adopted new Weights and Measures and Petroleum Inspection Rules and Regulations (Circular 3). Circular 3, became effective February 1, 2000 and addresses the following categories: Packaging and Labeling Regulations; Regulation for the Method of Sale of Commodities; Unit Pricing Regulation; Regulation for the Registration of Service persons and Service Agencies for Commercial Weighing and Measuring Devices; Open Dating Regulation; Regulation for National Type Evaluation; Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation; and Examination Procedures for Price Verification. The primary source document for Circular 3 is the National Institute of Standards and Technology (NIST) Handbook 130. During the second week of March, a training school was conducted for all Bureau of Standards Personnel in the application and enforcement of the new regulations.

Since December 1999, the Petroleum Division has taken enforcement action against seventy-three service stations for selling gasoline with a lower octane than was advertised (posted) on the pump. Twenty-seven stations were cited in February and several complaints were received.

In one instance, diesel fuel contaminated with gasoline exploded during delivery and burnt up a farm tank and tractor. Diesel samples from the delivery truck also failed in laboratory tests. The fuel was contaminated with a heavy concentration of gasoline. This was another example where diesel fuel mixed with gasoline produced an explosive charge. Remember; Gasoline on diesel is usually peaceful, but diesel on gas produces a blast! Our petroleum laboratory is in the process of testing and evaluating a new Zeltex portable octane analyzer.

Mr. Ray Curtis, Metrologist, attended an Intermediate Metrology Seminar recently held at NIST in Gaithersburg, Maryland. These seminars provide metrologists with a thorough understanding of the theory and concept behind the procedures and equations used in mass, length and volume calibrations. Ray spoke on the cause and effect factors which impact mass measurement quality.



We regret to inform you that Mrs. Mary Lou Hindsman, wife of former AR Bureau of Standards Director Sam F. Hindsman, passed away on Thursday, February 24<sup>th</sup>. Mrs. Hindsman was a very special and talented lady with many accomplishments. She was a fun person to be around and will be missed by all of us. If you would like to send a card, the family address is:

Mrs. Ann Cornwell  
208 Chimney Rock Drive  
North Little Rock, AR 72120

Continued on Page 5

**Mary Lou Hindsman Athlete, Dorm Mom  
loved grandkids, golf**

**By Larry Ault  
Arkansas Democrat-Gazette**

Mary Lou Hindsman learned to fly in an age when that was an unusual accomplishment for a woman, and later she made her mark in more down-to-earth fashion, as an athlete.

Before becoming the first licensed female pilot in Mississippi, "she used to sneak out to the airfield," recalled her son, Thomas E. Hindsman of Russellville. "She befriended an instructor."

Her son said she flew crop-dusters and other single-engine planes but amassed less than 100 flying hours.

Hindsman, of North Little Rock died Thursday of lung cancer. She was 81.

She was the widow of Sam F. Hindsman Jr., a popular basket-ball coach at Arkansas Tech University in Russellville who died in 1997 after coaching 19 years at the school. During those years the couple served as dorm parents at Wilson Hall, the athletes' dorm.

She was born Dec. 8, 1918, in Woodland, Miss., the second of five children. Like so many families, her parents lost their farm during the Great Depression. The family moved from Mississippi to Arkansas to work on a farm in Wilson.

After graduating from Wilson High School she attended Sunflower Junior College – now Mississippi Delta Community College- in Moorehead, Miss., on an athletic scholarship, participating in basketball, track, tennis and softball. She later continued her studies at Arkansas Tech.

She met her future husband at Moorehead while she was working as a secretary to the junior college's president. They were married in 1941.

Both Hindsmans are to be inducted April 8 into the 2000 Sports Hall of Fame at the community college in Morehead, said their son-in-law, Gilbert Cornwell of North Little Rock.

After moving to North Little Rock, Hindsman, who was working for Cogswell Motors in Russellville for 20 years, became an accountant for the state Employment Security Division. After retiring, she did volunteer work for the Burns Park Golf Course and worked in the Senate during legislative sessions in the 1990s.

"It was very interesting to be on the inside of politics," Cornwell said. "She felt like she was a part of that."

After retirement, she really got involved in golf and her grandkids," her son said.

Even though she probably didn't begin playing golf seriously until she was 60, Cronwell said, she won a major tournament for senior players. She was an active member and past president of the Burns Park Ladies Golf Association.

"She got to be an accomplished golfer and loved it," Cronwell said. ♣

## Delaware

### Weekly scanner activity.

3/7/00 Advanced Auto Parts Seaford DE failed inspection

3/7/00 Sears & Roebuck Seaford DE failed inspection

3/7/00 Zingos Shop & Bag #1 Newark DE failed inspection

3/7/00 Roses #358 Seaford DE failed inspection

3/8/00 Pep Boys #67 Received a written warning

### The following locations receive summons

3/8/00 Pep Boy #66 Kirkwood Hwy Wilm, DE

3/8/00 Staples #301 1041 N. Dupont Highway Dover, DE

3/9/00 Cooks Thriftway #116 W. Glenwood Ave Smyrna DE

The highest rejection rate was at Staples in Dover with 18 errors and 10 of which were overcharges for an accuracy rate of 64%.

### The following locations passed inspection.

3/6/00 Eckerd Drug #6289 Seaford DE

3/6/00 Rite Aid #3750 Seaford DE

3/6/00 Acme Mkt #1206 Newark, DE

3/7/00 ACME MKT #1228 Hockession, DE

3/7/00 WAL-MART#2460 Seaford, DE

**All location totaled 1175 items scanned with 49 errors** ♣

## MARYLAND

- The 13<sup>th</sup> Annual Maryland Department of Agriculture Open House was held on Saturday, March 18, 2000. Our labs were on display, and we gave demonstrations on the inspection of packaged commodities. We also had on display a 3-5 Gallon Prover LMD Test Unit and discussed the field inspection efforts and how they interact with the metrology and NTEP Laboratories. We provided a scale for those in attendance to obtain their correct weight. Representing our section during the Open House were Chief Louis Straub, Program Managers Dick Shockley, Bob Eaves and Will Wotthlie, Field Supervisors Don Mason, Ed Payne and Ken Ramsburg, Inspectors Ethan Halpern, Mike Frailer, Leila Smith and Aaron Webb, and Laboratory Staff Members Jim Price and Sean Roemer.
- Steve Barry, our metrologist, represented our staff at the Annual Semap (Southeastern Measurement Assurance Program) Conference held in Columbia, South Carolina during March 13-17, 2000.
- We began our annual inspection of grain moisture meters on March 20, 2000. Aaron Webb, a field inspector in Baltimore City, was instrumental in developing our grain samples. We have approximately 140 meters in commercial service in our state.
- Our Annual Weights & Measures Training Class was held for our staff during March 28-30, 2000. We reviewed and issued



2000 NIST Handbook 44's to our field inspectors. We spent considerable time on point of sale systems and acceptable printed receipts for both weighing and measuring devices. We also reviewed store front shipping scale applications which seem to be popping up everywhere. Hands-on demonstrations of multi-range and multi-interval scales were provided. A session on dumb scale indicators and smart scale indicators was very enlightening. (I didn't know there were dumb scales) NIST Handbook 130 Uniform Packaging and Labeling Regulation (UPLR) was reviewed and issued to our field inspectors. We officially adopt the UPLR on 4/17/2000. The instructors for the various sessions conducted were Chief Lou Straub, and Program Managers Dick Shockley, Bob Eaves, Will Wotthlie and Andrea Buie-Branam.

- We continue to find many POS systems, some have COC's and some that do not, which have Handbook 44 problems. The following businesses are where we have found some of our NIST Handbook 44 problems:

Staples w/UPS software and PC Synergy software are used in shipping locations. We have found system problems at store front locations using the software. The scales used all have COC's, but when connected to a computer system they will not work properly.

Bass, ACR, and Micros are software programs that are used on POS systems found in grocery stores. Bass and ACR have applied to NTEP, Micros has an NTEP COC, but it doesn't work properly with the scale and associated hardware.

Spin Cycle has a POS system installed in its Laundromat chain which does not have a NTEP COC, but they have corrected all NIST Handbook 44 problems. They provide wash and fold service by the pound.

The Yamato Model R220 scale, will not hold tare when weight is removed from the scale (violation of Section S.2.3. Tare).

#### **Recent Civil Penalties and Court Activities**

- On February 4, 2000, we received payment of \$300.00 for a civil penalty assessed against Eat-Zi's Market & Bakery, Rockville, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On February 25, 2000, we received payment of \$300.00 for a civil penalty assessed against Super Fresh #960, Waldorf, MD. The civil penalty was assessed due to short-weight violations found during test purchases performed at the establishment.
- On February 15, 2000, the trial of firewood seller Mr. John Daniel Southard was held in Washington County District Court, Hagerstown, MD. Mr Southard was charged with two (2) short-measure firewood deliveries. Mr. Southard was found guilty of the charges placed against him. He was ordered to pay restitution in the amount of \$115.00 to the firewood buyers, was assessed a fine of \$275.00 plus \$50.00 court costs, was ordered to perform 35 hours of community service and was placed on supervised probation for one year.

Charges were filed against Mr. Southard by Inspector Bill Troup. ⚡

## **Mississippi**

### **Petroleum Products Inspection Division**



**Pictured is Sidney Scarbrough,  
Petroleum Division Field Inspector**

The Petroleum Division of the Department has recently purchased new funnels for the inspectors. The new funnels are knee high for most of the inspectors and will hold 10 gallons. Pemberton Fabricators, a division of Seraphin, designed them for our division. Thanks to Rich Jordan and his staff for their help with this project, they look great. The taller funnels will hopefully cut down on our workman's comp claims, and also offer some back relief for the men.

The division has also been testing the Zeltex Octane Analyzer for several months now by pulling random samples to run on the analyzer as well as run on the laboratory engine. The results are extremely close. We have been quite satisfied with the accuracy of this screening procedure. We are hopeful that the legislature will appropriate funds for 5 additional analyzers.



**Pictured are Gerald Broom, Petroleum Division Field Supervisor, and Jennifer Thompson, Petroleum Division Administrative Assistant.**

We have finally received the Prover Truck from Pemberton Fabricators. The truck is equipped with 4 5-gallon test measures and 4-125 gallon reservoirs, and a 150-gallon prover in the rear of the unit. The truck will be used for testing at larger sites, and at airports. It is equipped with a gravity drain, as well as a pump off system for both the 150-gallon prover, and the 5-gallon provers.

### Weights and Measures Division

The Weights and Measures Division received some good news and some bad news recently. The good news is, construction has started on the new building for our metrology lab. The bad news is that our Metrologist, Ena Gustavis, resigned, effective February 25, 2000, leaving us without a trained Metrologist and forcing the lab to close until we can hire a replacement.



**Pictured l to r: David Jenkins, Julie McLemore, Chris Sparkman, Commissioner Lester Spell, Dr. Malvin Williams, Rusty Robbins, Rev. Alphanette Martin, Dr. Clinton Bristow, Jr.**

The ground-breaking ceremony for the new state Metrology Laboratory was held Tuesday, March 14, 2000, with Dr. Clinton Bristow, Jr., President of Alcorn State University, Commissioner of Agriculture, Dr. Lester Spell, Jr., and Bureau of Regulatory Services Director, Julie McLemore on the program. Also present at the ceremony were Rusty Robbins, Director of Weights and Measures and David Jenkins, of Barlow, Eddy, and Jenkins P.A., who are the Architects for this project. Completion date for the lab is set for December 2000.

We are pleased to announce that Mr. Gary D. Smith has joined the staff of the Weights and Measures Division as an intermediate scale inspector. Gary was hired on January 18, 2000, and has completed his initial training and is doing a good job so far. 🍴

## NORTH CAROLINA

High fuel prices!! High fuel prices!! That is the subject that has dominated our time over the last three months. First, it began with the snow in January. Twenty plus inches of snow is more than we are accustomed to receiving. Fuel oil and propane prices shot up overnight. Because North Carolina has a law requiring that the price per gallon and gallons delivered must be stated on delivery tickets of fuels intended for home heating, consumers didn't have to wait a couple of weeks to know how much the most recent delivery was going to cost them. People were in shock at the January prices and the prices got even higher as we moved through February and March. Consumers have been calling about the amount of heating fuels they are consuming and the accuracy of the delivery ticket. The much higher bills were made worse by the snowstorm because the usual delivery schedules were thrown off by one or two weeks. When the fuel truck arrived, the customer was out or nearly out of fuel; thereby greatly increasing the number of gallons it took to fill the tank. Coupled with the greater number of gallons delivered and the much higher prices, consumers were reeling from a double hit. Then to make matters worse, sticker shock began to show up at the gasoline dispenser. Now folks are calling about the accuracy of gasoline and diesel dispensers. Ten dollars just doesn't buy as much gasoline as it did a few months ago.

The snow and higher propane prices really hit us hard. Because we also perform safety inspections of propane installations, we are where all the propane complaints are directed. The calls from propane customers started coming in a day after the January 25 storm. Callers were reporting that they were out of propane or nearly out and could not contact their company. They could only get busy signals or unanswered ringing. When they could get through they were promised delivery dates that were not met or were told they could not expect delivery soon. Our response was to relax the rules that prevent one company from delivering into another company's tank. We were hoping that cooperation between the companies would make them more efficient in their deliveries. This made a difference to some customers, but the difficulty of making deliveries on snow covered roads limited the benefits of this action. In follow-up discussions with company representatives they reported receiving many out of gas or nearly out of gas calls from customers only to find that the customer had a third to half a tank. There were many lessons learned from this snow event.

The good part of all this attention is that the news media has suddenly discovered us. Our field inspectors are in demand for the six o'clock news. We are making every effort to meet with the media because we see this as a unique opportunity to let consumers know what we do and who to contact if they have questions. There is no way we could ever hope to receive this much publicity doing our routine work.

We recently issued two civil penalties. The first one was to CVS because of repeated excessive price scanning errors at a CVS Pharmacy in Arden. Four inspections were made in 1999 and each time the error rate exceeded 2%. CVS paid a civil penalty of \$1405. The second civil penalty was to a Synergy Gas



Corporation office in Raleigh because a driver failed to provide customers with delivery tickets imprinted with the gallons of propane delivered on the delivery ticket. For at least a two-week period in February a driver hand wrote the number of gallons delivered. Tests on the printing mechanism did not reveal a problem and a second driver using the same delivery truck issued delivery tickets with the gallons properly imprinted on the tickets. Synergy Gas Corporation paid a civil penalty of \$500.

We have added a new lube oil test. In February we began testing multi-viscosity engine oil samples to ensure that these products comply with the Society of Automotive Engineer's (SAE) J300 Engine Oil Viscosity Classification. We have put into service a cold-cranking simulator manufactured by Cannon Instrument Company. All multi-viscosity engine oils (0W30, 5W30, 10W30, 10W40, 15W40, and 20W50) must meet the SAE's J300 Classification. The "W" designation within the grade label stands for "winter" grade oil. The cold crank test is a method adopted by ASTM and has the designation of ASTM D 5293-98, "Standard Test Method for Apparent Viscosity of Engine Oils Between -5\_ and -30\_ Centigrade Using the Cold-Cranking Simulator." This method determines the pumping characteristics and cranking limits for lube oils at cold temperatures. When engine-lubricating oils are difficult to pump during cold weather starting and warm-up, wear damage to vital engine parts can begin.

Our inspections are targeted at places that dispense oil from bulk containers (quick lube stores, automobile dealerships, and garages). Typically these places advertise a particular brand and viscosity as their "house" lube oil. We sample their bulk containers to determine if the oil being dispensed is the same as what is being advertised. Sometimes we find problems and the appropriate action is taken. We also sample bottled oil but very few problems are found with the major brands.

Weights and measures inspectors are concentrating on commercial packages of fertilizer, soils, mulch, and dairy products (that's a strange combination). Very few problems have been found in any of these products. Our potting soil inspections are a direct result of the test measure provided by the National Bark and Soil Producers Association. You may recall the test demonstration by the association at the NCWM meeting last July. We have seen no problems with any of the potting soils tested so far. It appears the industry is doing a good job of informing its members on the need to comply with net contents requirements.

Some of you may remember Van Hyder. Well, *heeee's* back. Van returned to the Standards Laboratory in January. For all of three weeks we were at full staff and then we returned to our usual mode with the departure of Reggie Kennion. Our office space work at the lab is nearly complete. This will give Van, Tal, and Glen much needed relief from the everyday disturbances that go on in the large mass area. LF, Val, and Glen have just returned from the SEMAP meeting in Columbia, SC. By all accounts, Billy, John, and Robert were the perfect hosts and it was a very productive meeting. The training on NCSL Recommended Practice 15, *Guide for Interlaboratory Comparisons*, will help every laboratory to reap the full benefits from regional round robins. ISO International Standard 17025

instruction gave everyone a head start preparing for this new laboratory standard as it replaces ISO Guide 25. Yes, there will be changes, but nothing to compare to the changes required in the last decade as we developed programs to comply with ISO Guide 25. Our understanding is that LF jumped up on his soap box several times imploring SEMAP members to go back and talk to their directors about the changes so there will be no surprises with the new standard.

In a very rare moment, L.F. was rendered speechless as he was presented a beautiful walnut and brass plaque from SEMAP thanking him for his service to SEMAP as the group's NCWM Metrology Subcommittee representative. Another highlight of his trip seems to be the bag of corn chips made from grits. It just doesn't take much to make some folks happy.

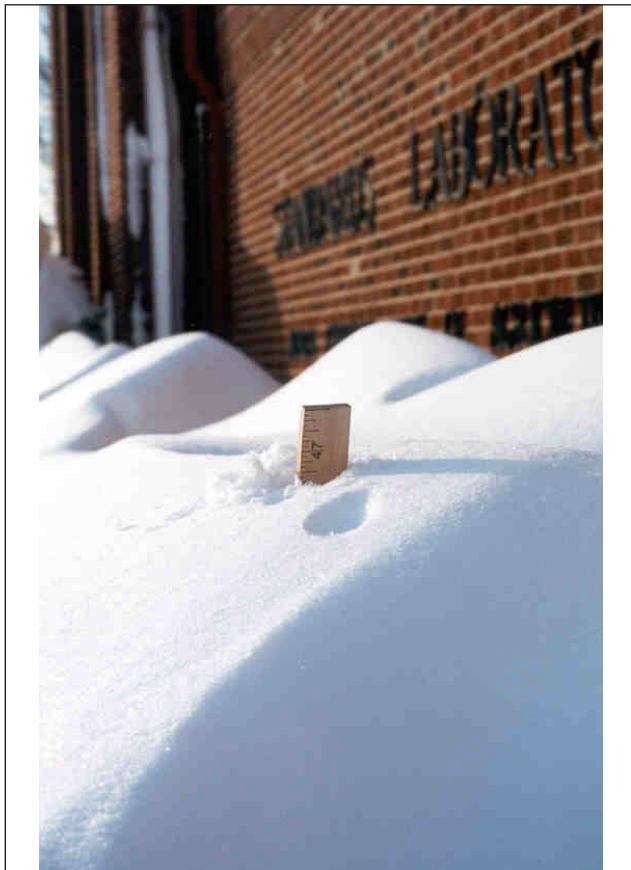
LF wants to remind every state director to make sure that the 2000 laboratory workload survey has been completed. You may recall receiving this document from the State of Oklahoma, the state that has graciously agreed to compile and summarize the data. The data is significantly strengthened by 100% participation.

The division is losing three long-time employees. Two field inspectors, Mr. Buddy Amos and Mr. Ron Griffin, are retiring effective May 1. Buddy covers the Greensboro area and Ron the Winston Salem area. These are two major metropolitan areas. While we will be able to replace Buddy and Ron, we will not be able to replace their years of experience. Heck, just knowing where everything is located and who to see when you get there will take a new inspector at least a couple of years to sort out. We will miss these two fine gentlemen and we readily acknowledge our program has benefited from their dedication and hard work. The third gentleman to retire on May 1 is Mr. Donnie Perry, Central Area Supervisor. Donnie retires with over 36 years of experience in weights and measures as an inspector or supervisor. There is not much Donnie doesn't know about weights and measures. He is a very capable trainer and supervisor, but perhaps his greatest strength is the way he has represented this department through the years. We have asked Donnie to take care of some difficult problems and in each case, he has handled the problem with diplomacy while being extremely thorough and complete. We are going to miss him.

In the opening paragraph reference was made to a snow event in January. Accompanying this article are pictures showing just how much snow fell at the Standards Laboratory. We all know LF was extremely official in determining the depths of the snowdrifts around the laboratory. ❄️







## SOUTH CAROLINA

During the last several months, we have lost several employees in our Weights and Measures Program due to retirements, resignations and one termination. We are fortunate in that budget conditions will allow the replacement of these individuals. However, it will be sometime before the experience possessed by those lost will be replaced. Four new Field Specialists have been hired since January first. Two of those are inspectors on our two large vehicle scale tests units, and the other two are for the inspection of supermarkets and service stations. We still have two more vacancies to be filled, and another long time employee is planning to retire in April. This large turnover in personnel greatly increases the training needs within our Weights and Measures Program.

Our Metrology Lab recently hosted the annual SEMAP meeting in Columbia on March 13 – 17, 2000. Billy Kennington served as Chairman of this organization for the past year. Twenty-four people, representing nine state labs and five industry labs, attended the meeting. L. F. Eason, Metrologist in North Carolina, was presented a plaque for his service in representing SEMAP on the NCWM Metrology Subcommittee. Hopefully, all who attended enjoyed their visit to the Palmetto State and found the meeting very informative.

A bill was recently introduced in our Legislature that would amend our Weights and Measures Law to require the inspection of price scanner systems. As proposed this legislation would require the Department to inspect, at least once per year, the scanner systems in all retail establishments with three or more scanners. As you can imagine, this would greatly increase the Department's workload when you consider all the different types of retail firms that now use price scanner systems. The Legislative Committee, which was assigned to study the bill, voted to end debate on the proposed legislation after receiving information on the estimated cost and opposition from the South Carolina Merchants Association. That effectively killed the bill for the present time. However, we will have to wait and see if the bill is brought up again before the end of the legislative session.

With the coming of warmer weather, we have begun the inspection of packaged bark mulch. Each spring we visit the processing plants in the State and also do some testing at the retail level. It is considerably easier to check the net contents at the processing plant. There the material from the opened packages can be re-run through their bagging facilities. When checking bark mulch, we also check the net contents of some other yard and garden products, such as potting soils, bags of sand, manure, gravel, etc. †

## TENNESSEE

The Interim NCWM in Bethesda, MD proved to be one of the most interesting in a number of years. The Laws and Regulations Committee heard a number of issues and spent a great deal of time listening to testimony from industry and state jurisdictions. The staff at NIST should be commended for their assistance and expertise with all of the committees.

Our Metrologist, Tom Smith, has returned from the annual SEMAP conducted in Columbia, SC this year with a number of positive ideas and changes which will prove beneficial to our laboratory. Tom reports that the SC Staff were excellent hosts for the meeting.

Spring 2000 livestock scale inspections began several weeks ago and no major problems have been encountered. Mr. Jesse Booth and several Packers and Stockyards staff members will be conducting a brief training session for our large scale inspectors during the last week in March. SGS Control Services, Inc. will be conducting a hazardous materials and general safety session for our inspectors involved in sampling petroleum products during the same week. SGS conducted a similar training course several years ago and it was very beneficial to our staff.

Randy Jennings, Petroleum Administrator, recently attended a weeklong management seminar sponsored by the University of Tennessee. Randy returned to the office enthused and eager to incorporate this newfound knowledge in to his daily work.

Ed Coleman, Weights and Measures Supervisor, has been involved in several special projects over the past couple of months. His work in these many areas is greatly appreciated.

We were very sorry to hear of the death of Mrs. Hindsman. She and Mr. Hindsman were very special people and we all looked forward to visiting with them at the SWMA. †

## TEXAS

The longer one stays around the public office arena, one thing remains constant and that is change. In September the Department reorganized the Regulatory Division and as a result we have some new faces at the helm. David Kostrun is now the Acting Assistant Commissioner for Regulatory, Harvey Fischer serves as the Acting Deputy Assistant Commissioner, Ed Price has moved over to assume the role of Branch Chief for Regulatory Programs, Damon Slaydon is now the Coordinator for Weights and Measures and Margaret Alvarez has moved from Consumer Programs to oversee the Commodity Programs. Also, the Program Specialist for Weights and Measures, Lynn Lenz, recently accepted a job with another agency. Hopefully we will stabilize soon, but as the old saying goes, "the more things change, the more they stay the same."

In preparation for the upcoming SWMA meeting in Austin, it may be helpful (or even enjoyable) to search some of the following Internet sites to obtain information about this unique place we call home.

[www.traveltex.com](http://www.traveltex.com)

[www.austin360.com](http://www.austin360.com)

[www.texasillcountry.com](http://www.texasillcountry.com)

[www.austinwebpage.com](http://www.austinwebpage.com)

Arrangements have been made for the week of October 8 – 11, at the Radisson Hotel & Suites Austin. Reservations can be made by calling (512) 478-9611, please be sure to mention that you are with the SWMA so that you will receive the special rate of \$70.00 per night. You may also check out the hotel via the Internet by logging on to [www.radisson.com/austintx](http://www.radisson.com/austintx).

Nominations for committee appointments have been sent in by many of you and a big thank you goes out for your participation. These recommendations have been submitted for appointment on the following committees. Pending acceptance of this task by these individuals, this years additions to the committees are as follows:

**Steve Hadder** – A & P Committee

**Wayne Bamsch** – L&R Committee

**Archie Lambert** – S&T Committee

**Steve Casto** – L&R Committee

**Ed Coleman** – Safety Committee

**Ed Price, Vernon Massey and Ronnie Harrell** – Auditing Committee

**Charles Burns, Terrence McBride and Pat Chaney** – Resolutions Committee

Program update for the second quarter of fiscal year 2000. During the months of December through February, our inspectors conducted 32,543 device inspections and 808 package and price verification inspections for a year-to-date total of 67,998 inspections. The quarterly report revealed an overall compliance rate of 95 percent for weights and measures inspections. Pat Forester reports that the metrology labs have calibrated 13,713 standards through the first half of the fiscal year. In addition, Pat has been working hard on preparing a plan for the construction of a new Metrology Lab. All indications have

†

## WEST VIRGINIA

West Virginia Weights and Measures enters the new millennium with all positions manned and ready for action.

A training session was conducted at the Weights and Measures Offices in St. Albans during the week of February 14th and was attended by all inspectors. During the week long session inspectors were briefed by Karl Angell, Director of Weights and Measures, on past accomplishments and plans for the future. Steven Allred, West Virginia Commissioner of Labor, expressed his 100% support for the program and the section. He also answered questions from inspectors relating to funding for the program. During the week specialized training was given inspectors by the respective Program Coordinators; William Cobb, Commodities; Steve Casto, Scales and NTEP; Dennis Harrison, Fuels Program.

### Personnel

Two new inspectors Lemuel Jones and Thomas Adkins were hired last year for two areas that have been vacant for several months. Mr. Jones will be assigned to the Morgantown area, and Mr. Adkins will be in the Eastern Panhandle, which includes Martinsburg and Harpers Ferry. They have completed



basic inspector training and have been working with experienced inspectors. After a period of on-the-job-training they will commence work in their assigned areas early this year.

Mr. Frank Allison, retired on December 31, 1999 after 31 years as Purchasing Agent for the Division of Labor. Frank worked very closely with the Weights and Measures Section, where his skills in dealing with the State Purchasing Division and state vendors were unequalled. Frank and his wife Sharon are building a new home in the country where he can enjoy his horses and love of hunting. He will be missed, and we all wish him a long contented retirement.

### Training

The key to future successes and improvement of service provided by the section is the revised training program. During the upcoming year the program coordinators will be conducting one-on-one training, and small training classes at locations around the state. The training will center on obtaining uniformity in inspection procedures.

### Commodities Program

Plans are under consideration to create three specialist positions within the Commodities Program. These will be package inspection specialists who will be assigned state wide and conduct package inspections primarily at state facilities, and at manufacturing operations such as chemical plants, meat and poultry plants, and warehouse distribution points. This program will be coordinated with support from the State Purchasing Division. Past inspections have shown that problems exist with commodities purchased under state contract, which could result in major losses to the state.

### Fuels Program

Dennis Harrison, Fuels Program Coordinator, recently placed another Zeltec Fuel Analyzer in service with the fuel testing program. This is the sixth Zeltec placed in service and they have proven to be a valuable tool in field octane testing.

Dennis and Jim Crowley, area inspector, recently met with representatives of the Israeli government in Martinsburg, West Virginia where they demonstrated fuel quality testing procedures used by the section, including use of the Zeltec. (See attached Newspaper article)



Pictured from the left are Yoav Armoni, Inspector Dennis Harrison, Adina Lavy, Inspector James Crowley

## Israelis Look To Area For Help In Enforcing Fuel Regulations

By Andrew Schotz

Jim Crowley flipped the glass beaker over. With no water and no sediment, the gasoline sample passed. Then, Crowley, a weights and measures inspector with the state of West Virginia, tested the octane. The machine in the metal case in the back of his jeep read 86.8, within the acceptable range for 87 octane gas.

West Virginia fuel inspectors met with two Israeli citizens at a Texaco station on King Street near Interstate 81 on Wednesday to teach them about the state's regulatory process.

Yoav Armoni, the managing director of Israel's Minister of National Infrastructures Fuel Authority in Jerusalem, and Adina Lavy, the head of a fuel testing laboratory in Haifa, are taking a one-week tour of the United States to study about gasoline practices here.

They learned about the nation's strategic petroleum reserve by visiting Washington, DC and Texas. They stopped at a gas station in Martinsburg Wednesday and will go to another one in Maryland today.

Armoni and Lavy were accompanied Wednesday by Todd Rosenthal, president of Zeltec Inc., a Hagerstown company that manufactures gasoline testing equipment. Zeltec has sold octane meters, which use infrared light to gauge oxygen content, to several countries and to 24 states. West Virginia was one of the first. Israel bought two and will start using them next week, Armoni said.

Rosenthal said his meters can help pinpoint fuel quality problems without using costly knock engine tests. In the case of a Maryland station that had the wrong octane gas at its pumps, 25 to 30 knock engine tests would have cost up to \$3,000, he said. Instead, using one of his readers to study 40 samples cost \$4, maybe \$5 he said.

Dennis Harrison, the program coordinator for motor fuels with West Virginia Weights and Measures, said the state was chosen because it runs a respected and efficient fuel oversight program.

All fuel in West Virginia must meet American Society of Testing and Materials standards, as mandated by a 1994 state law, he said. To enforce this, state inspectors conduct spot checks, examining between 600 and 1,000 samples each year. West Virginia's fuel regulation budget of \$100,000 is on the low end, as some states spend millions, Harrison said. The state also doesn't allow gas stations to label 89 octane as premium while others do, he said. The benefit to the consumer is that the prevailing number of times you're buying gasoline in West Virginia, the gasoline is good, Harrison said.

Harrison said he chose the Texaco station because its owner Roach Oil Co., which runs 13 gas stations in the Eastern Panhandle and Hagerstown, has some nice establishments. Scott Roach, the retail operations vice president for Roach Oil, told Armoni that the Texaco company may be more stringent about regulations than the government. The first time a station vio-

lates quality standards, the parent company will lock up the pumps until the problem is fixed, he said.

That's not the case in Israel, Lavy and Armoni said. Oil companies are not taking any responsibility for the quality of the products. Israeli fuel taxes represent about 60 percent to 70 percent of the pump price, encouraging fraud, he said.

Armoni said he'd like to inspect gas stations once a month. Currently, the government inspects stations about four times a year, which gives the owners too much time to elude oversight, the Zeltec machines will make fuel tests cheaper, so he can hire more inspectors, he said. †

### What is the Food Marketing Institute?

The Food Marketing Institute (FMI), is a nonprofit association conducting programs in research, education, industry relations and public affairs on behalf of its 1,500 food retail and wholesaler members.

FMI's membership is composed of large multi-store chains, small regional firms and independent supermarkets. Its international membership includes 200 members from 60 countries.

The common bond uniting FMI members is a commitment to maintaining and improving a system of distribution of grocery products that is responsive to the changing needs and wants of customers and, at the same time, is sensitive to social, economic and governmental concerns. FMI is designed to help the grocery retailer and wholesaler discharge their responsibilities to the customer in moving food from the producer to the consumer in the most efficient possible manner.

FMI is based in Washington, DC, where a professional staff is responsible for providing a broad range of member services, including research, education, industry relations and public affairs. For example, the FMI Information Service (library) contains the single most comprehensive collection of information on food retailing, wholesaling and distribution in the world. In fact, the service answers more than 15,000 individual requests a year.

The Public Affairs Department focuses on accurate representation of industry positions on a wide range of issues from Congress, to the state legislatures, to the regulatory agencies. Elizabeth Tansing, Director of State Government Affairs, has the responsibility for weights and measures issues for the Public Affairs Department. Elizabeth works closely with state and local weights and measures officials through the National Con-

ference on Weights and Measures, as well as the state retail and grocer associations to partner on important issues concerning the weight, measure and method of sale of items in retail grocery establishments.

FMI has five regional offices across the United States: Newport Beach, California; Moab, Utah; Edmond, Oklahoma; Libertyville, Illinois; and Atlanta, Georgia. Scott Johnson, in Atlanta, is FMI's Regional Director for the South. FMI's regional offices bridge distance and time barriers for FMI members and others utilizing FMI's resources.

In closing, the principal objective of FMI is best presented in the first two paragraphs of the Statement of Philosophy that opens the *FMI Bylaws*:

The grocery retailer, from the smallest corner store to the largest supermarket company, is the purchasing agent for the consumer. At the same time, the grocer and his close working partner, the grocery wholesaler, are the means by which the farmer and other suppliers make their products available to the public. In these two functions, the grocery retailer and wholesaler serve to satisfy fundamental needs of everyone in our society. For more information on FMI, please do not hesitate to contact Elizabeth Tansing, (202.220.0638); or Scott Johnson, (770.951.4878). †

### Welcome New Members

James Lynch, Regional Sales Director, Rice Lake Weighing Systems, Salem, VA  
 Johnny Corn, Greenville Scale - Taylors, SC  
 Tim Farlow, Braswell Scale & Equipment Co., Inc. Ashville, NC

#### Contact SWMA

The SWMA Newsletter is published quarterly.  
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