



Southern Weights & Measures Association

84nd Edition

SWMA Newsletter

January 2001



Larry Hatfield, left, SWMA President with Past President Ed Price.

JURISDICTIONAL NEWS

DELAWARE

The Delaware Weights and Measures section is pleased to announce the promotion of field inspector Leon J. Gratkowski to the new position of Supervisor. Leon brings many years of supervisory and managerial experience in both the private and public arena to our program. He has been an Inspector for twelve years, and is well versed in Weights and Measures issues. As the Supervisor, Leon will oversee our inspection staff and assist the Administrator in the daily operation of the section.

Our legislative bill to establish an administrative hearing procedure with civil penalties for Weights and Measures violators has passed, enabling our section to address some problems in the marketplace in a more efficient manner. We should be able to have this program up and running in the very near future.

Although our request for three new fuel oil provers to replace the 1964 models that we have been using was cut out of the budget, the Secretary's office helped us find the money to purchase two new units. We are currently working on funding for the third prover and hope to have it by autumn of 2001. Many kudos to our five inspectors for working together in scheduling their inspections to ensure that fuel oil meter inspections were completed as quickly and efficiently as possible, using the three provers that we have.

Our section received some good publicity concerning our Price Verification Program on July 5. Delaware's largest newspaper, the Journal, printed an extensive article titled "Market scanners missing the mark" on the front page, highlighting our efforts to correct the massive problem that we have found in the marketplace. Two local radio stations followed this up with interviews broadcast during their news segments. Inspector Tony Deserto topped the day off by doing a televised segment concerning scanners at a local grocery store with Philadelphia Channel 6 newswoman, Lauren Wilson. This aired prominently on their evening broadcast.

The skyrocketing price of gasoline caused us to step up our gas station inspections in an attempt to reassure consumers that they were getting an accurate fill at the pump. We have also at-

tempted to address the computer chip problem that has been publicized on national television by randomly checking some hoses. We pump two to three gallons in one test measure, then place the nozzle in another test measure to pump five gallons. This gives us a reading for the five gallons dispensed, with the display stopping between seven and eight gallons. So far, we haven't encountered any of these chips in our state.

Tom Stabler, of Stabler Training Services, presented a two day seminar on state certification of field standard weights and measures in late July for our inspectors. This is a training course in the laboratory testing and certification of state field standards. Our inspectors are now able to test and certify our field test weights from .001lbs to 1000 lbs and our 5gallon and 100 gallon volumetric provers. This should help alleviate some of the problems that we've encountered since the loss of our metrologist position.

The Weights and Measures display at the year 2000 Delaware State Fair and the Milford, Delaware Land and Sea Harvest Festival was well received by all who stopped by. The theme of the display was "Serving Delawareans Throughout the Years." We displayed many contrasting pictures of current inspection activities and inspection activities during the early years of our program. We succeeded in highlighting both the improvement in equipment and the expansion of our program to better serve our citizens.

Throughout the fall, our staff has been participating in a wide variety of educational opportunities offered by the Delaware Department of Agriculture, the Delaware State Police, and various private firms. Classes on computer usage, investigative procedures, report writing, and managerial and secretarial skills are just some of the courses that we have been attending to hone our personal skills. The Administration's commitment to education has enabled our staff to maintain a high degree of professionalism while efficiently contending with an ever increasing workload.

The results of criminal prosecutions against Weights and Measures Law violators are as follows:

Business	Violation	Plea	Disposition
Best Buy, Inc., Wilm.	Price Verification	Guilty	Fined \$207.00
Cook's Thriftway, Smyrna	Price Verification	Guilty	Fined \$200.00
Coastal Supply, Dagsboro	Quantity Representation	Guilty	Fined \$ 90.00
Office Depot	Price Verification	Guilty	Fined \$326.00 ⚖

FLORIDA

The Legislature provided funding in this year's budget to automate the field data collection in Weights and Measures and Petroleum Inspection. Laptop computers and printers suitable for field use have already been purchased and are being set up with software by our Division programmer. Weights and Measures is also looking at purchasing weights and measures software for managing device testing, price verification, package testing and other related data.

The Bureau of Petroleum Inspection has entered its second phase of automating field inspections. Over the next several months, all petroleum inspectors will be equipped with laptop computers. All information generated by inspectors, e.g., sample collection, pump inspection reports, daily summaries, etc., will be captured in the laptop computers and forwarded to a centrally located database. Pilot programs in the wholesale inspection section have proven quite effective. The next phase will include the automation of the retail section.

The Bureau of Petroleum Inspection has also purchased a truck mounted "three 5 gallon prover unit with reservoir storage" (we need a short name or acronym for this unit). We will be field testing the unit over the next several months to determine the most effective use of the unit and to determine how many additional units would be beneficial for our regulatory activities.

Weights and Measures has been performing package tests on glazed lobster tails at all seafood processing plants in the south Florida area. The lobster tails are packed in 10 lb. boxes with each box valued at over \$140. During initial testing at each facility, almost all lots tested were rejected for short measure. In some lots, the average error was over 20% which results in huge economic losses to purchasers of such a high priced commodity. Subsequent tests have shown much higher rates of compliance, but some processors continue to have trouble meeting net contents requirements. The packages are primarily sold to restaurants and retail seafood stores.

Weights and Measures just completed a Holiday Sales price verification sweep. Inspectors visited 65 stores during the week of December 11 and used a stratified sampling test of 25 on-sale items and 25 regularly priced items in each store. Compared with previous years' results, the stores have made notable improvements in pricing accuracy. Of the 65 stores tested, one failed for excessive overcharges and two failed for excessive undercharge errors. The majority of the errors found were undercharges, with less than one-half percent of sale items found to be overcharge errors.

On November 18, while the rest of the world was tuned in to events taking place around Florida's capitol regarding who the next U.S. President may be, about two miles away Weights and Measures was involved in a real newsworthy global event. Prior to the FSU-Florida football game, Friendship Dairies set a new Guinness record for the **world's largest dip**. Supervisor Bob Garris and Inspector Barry Smith performed the weighing of the ingredients which resulted in a tub of salsa dip weighing 2,314.6 lb. Since no health official showed up, the two employees also had to taste the dip and declare it edible. The weight of

the dip was certified; unfortunately, the vote totals remained unresolved. Surprisingly, no news organizations or late night comedians noticed the unusual coincidence of two such similar but unrelated events taking place in the same city.

We again thank Ed Price and the Texas staff for hosting another great SWMA meeting. Thanks also to all those that participated in the meetings and those who served as officers and committee members. We hope everyone had a safe and happy holiday season and look forward to working with you in the new year. †

MARYLAND

On December 15, 2000, we had a staff meeting at our facility in Annapolis, complete with a cook-out for lunch. Hot dogs, hamburgers, sausage, and deerburgers were prepared in an outstanding manner by Dick Shockley and Will Wotthlie. Certificates of appreciation were presented to inspectors who inspected the highest number of devices, and had the highest overall production rating during the last six monthly periods, and an award "Day Off" was given to Inspectors Rick Bristow and Leila Smith who had the highest rating in these categories during a six month period.

- Maryland Dept. of Agriculture Secretary Dr. Henry Virts has announced his retirement effective February 1, 2001. Deputy Secretary Mr. Hagner Mister has been appointed as the new Secretary of Agriculture.
- Brad Powers, Currently the Assistant Secretary for the Office of Marketing, Animal Industries & Consumer Services (which includes our Weights & Measures section) has been appointed the new Deputy Secretary of the Maryland Dept. of Agriculture effective February 1, 2001, and Mr. Robert Halman, currently the Extension Agent for Harford County, Maryland has been appointed to replace Brad Powers.
- Metrology staff member Antonio Maceo recently resigned from our section and is working in a laboratory in private industry. Antonio was an asset to our section and we wish him well.
- Chief Lou Straub and Program Manager Will Wotthlie are going to attend the interim meeting of the 86th NCWM held in Mesa, Arizona during January 14-17, 2001.
- Field Supervisor Don Mason and Inspector Aaron Webb assisted Washington DC channel 9 Eyewitness News investigative reporter Jan Fox on an investigative report on purchasing firewood on November 24, 2000. Two test buys of firewood were made and both were considerably short-measure. Don and Aaron measured the deliveries, and they were interviewed concerning the shortages and the requirements of the Law & Regulations pertaining to the sale of firewood. They did an outstanding job and were a credit to our section.

Recent Civil Penalties and Court Activities

- On September 18, 2000, we received \$250.00 for a civil penalty assessed against Food City #250, Denton, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On September 18, 2000, the trial of firewood seller Mr. William Vermillion was held in Montgomery County District Court, Silver Spring, MD. Mr. Vermillion was charged with delivering less firewood than the amount represented and with failure to issue a delivery ticket. Mr. Vermillion pleaded guilty, and was assessed a fine of \$500.00 (\$450.00 suspended) plus \$20.00 court costs and was ordered to make restitution in the amount of \$87.00 to the firewood buyer.
- On October 2, 2000, we received \$500.00 for a civil penalty assessed against Safeway #4126, Upper Marlboro, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On October 6, 2000, we received \$150.00 for a civil penalty assessed against Food Lion #950, Taneytown, MD. The civil penalty was assessed due to short-weight violations found during test purchases performed at the establishment.
- On October 16, 2000, we received \$500.00 for a civil penalty assessed against Super Fresh #876, Timonium, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On October 30, 2000, we received \$500.00 for a civil penalty assessed against the Pemco Corporation, Baltimore, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections of large packages of chemicals performed at the establishment.
- On November 13, 2000, we received \$150.00 for a civil penalty assessed against Food Lion #1465, Mt. Airy, MD. The civil penalty was assessed due to short-weight violations found during test purchases performed at the establishment.
- On December 1, 2000, we received \$250.00 for a civil penalty assessed against Frases Country Butcher Shop, Easton, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On December 6, 2000, we received \$500.00 for a civil penalty assessed against Lotte Oriental Supermarket, Rockville, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On December 8, 2000, we received a \$1,000.00 partial payment toward a \$5,000.00 civil penalty assessed against Coastal Supply Company, Inc., Pittsville, MD. The civil

penalty was assessed due to short-weight and short-measure violations found during routine package inspections of mulch, top soil and related products that were performed at the plant and at several retail locations in the state. ☪

MISSISSIPPI

Consumer Protection Division

The Consumer Protection Division is in the process of finalizing a price verification inspection program. We appreciate Bob Williams' assistance and especially Ed Coleman of Tennessee who conducted a training session in Jackson, MS for our division personnel.

Our department, as well as this division, is being hit with budget cuts; therefore, we anticipate that all of our budget needs may not be met and we are planning accordingly.

Weights and Measures Division

Rusty Robbins and Randy Triplett attended the Southern Weights and Measures Association Meeting in Austin and the meeting was a huge success. Ed Price and his staff did an outstanding job in organizing and conducting this meeting. We look forward to next year and know that Larry Hatfield will continue the tradition with a great meeting in Kentucky.

In other news, we have ordered 16 Lap top computers and the WIN WAM Software and plan to start using the new system in February 2001 after training in January. We anticipate this will increase productivity and provide savings by reducing paperwork mailed into the office and handled by office personnel. Also, it should reduce mistakes in the database caused by entering data off of reports since the reports will come into the office by E-mail and go directly into the database.

Mississippi recently hosted a delegation from the government of the Brcko District of Bosnia and Herzegovina. The Weights and Measures Division demonstrated Scale testing Procedures to Ratko Stjepanovic', Director of Agriculture and Forestry Department. We enjoyed meeting Ratko and hope he learned a lot from our demonstration.



L to R: Randy Triplett, Rusty Robbins, Interpreter Amy Purger, Ratko Stjepanovic')



L to R: Inspector Brent Bowman, Rusty Robbins, Ratko Stjepanovic



Pictured: Robert Louys, Director, Jennifer Thompson, John Childress, Petroleum Division, Amy Purger, Interpreter, Ratko Stjepanovic, Director of Agriculture and Forestry Department, Brako District of Bosnia and Herzegovina. ⚡

In closing, we hope everyone had a joyous Holiday Season and wish everyone health and happiness in the New Year.

Petroleum Division

The Petroleum Division of the Department recently collected \$160,000.00 for violations of the Petroleum Products Inspection Law. The penalties were assessed against two West Memphis, Arkansas distributors for twenty-seven octane violations at a Citgo branded location in Lake Cormorant, Mississippi. The companies were rolling over 87-octane fuel into the 93-octane storage tanks, thus resulting in a violation of state code. All monies collected were deposited into the State General Fund.

The Division has also been quite pleased with the "Calibration Truck" purchased from Pemberton Fabricators earlier this year. We are ironing out a few kinks, but the inspectors have really been pleased with its performance.

The Petroleum Division also gave Mr. Stjepanovic a demonstration of the duties performed by the division. Mr. Stjepanovic's country has a program similar to our own, however, he stated that they do not operate at the scale our program is able to.



NORTH CAROLINA

The Department of Agriculture and Consumer Services has a new commissioner for the first time in 36 years. After 36 years as Commissioner of Agriculture, Jim Graham decided not to seek re-election. In a close election, the voters in North Carolina chose Meg Scott Phipps as their new Commissioner of Agriculture. Commissioner Phipps brings a great deal of experience to the job. Her law degree is in agricultural law and she has worked as an Administrative Law Judge. She is the daughter of a former governor and her grandfather is a former Commissioner of Agriculture. As with many new administrations, changes have taken place. Commissioner Phipps has reorganized the department so that now all regulatory divisions report to one assistant commissioner position. This is where we get to the part that may interest SWMA members. David Smith has been promoted to fill that assistant commissioner position. David's new responsibilities will include overseeing the Standards, Veterinary Services, Plant Industry, Food and Drug, and Structural Pest Divisions. Those divisions have about 700 employees. David will assume his new duties on January 8.

To honor Commissioner Graham on his more than 50 years of public service (school teacher, research farm manager, farmers market manager, and Commissioner of Agriculture), the department sponsored a "Salute to Jim Graham" dinner on November 15. About 2,000 folks showed up to honor the man affectionately known as "The Sodfather". Many Commissioners and Secretaries of Agriculture from other states were attendance. It was a wonderful and fitting tribute to the man who has guided the Department of Agriculture and North Carolina agriculture for so many years. He will be missed.

David's replacement may be a familiar name to many of you. Winston Sutton, former manager of the Motor Fuels Section, has agreed to come out of retirement to serve as director of the Standards Division. Winston retired in September but the opportunity to return to the division was more than he could pass up.

Some of you have probably heard that Ron Murdock was hospitalized in mid December. After many tests, Ron was diagnosed with Multiple Sclerosis. Ron is expecting a full recovery and plans to continue his responsibilities with the division and the National Conference on Weights and Measures.

The 134th NC State Fair was held in October. The weather was great and a record attendance of 846,724 passed through the gates. The Standards Division has sponsored a booth at the fair for probably most of those 134 years. The highlight of our booth is "Your Weight Free". This year approximately 47,500 people lined up to be publicly weighed. Captured on film was the weighing of an action hero, Rock-It the Robot (see photo). In the second photo you will note a line of approval seals at the top of the display cases. LF decided to display an example of each year's approval seal since Commissioner Graham assumed office in 1964. We also sponsor a similar booth at the Mountain State Fair in Asheville where approximately 10,000 people were weighed.

We were going to report that a new Standards II inspector has been employed, but he quite after a couple of months on the job. We can report that Doug Cox has been promoted to the lab



supervisor position at the Motor Fuels Laboratory. Doug was a field supervisor for over 12 years and has been an employee of the Standard Division for over 30 years. His experience with the field operations will be valuable when dealing with consumer complaints and requests from industry. As many metrologists have heard, Val Miller has resigned his quality manager position at the Standards Lab to take a similar position at NIST. The following is a direct quote from LF. "I will never brag about being full staffed with the number of years of staff experience again (see October SWMA Newsletter)! First Glen, now we are losing Val. Yet, as hard as I try to be selfish and be too upset over his leaving, I can't since he is going to NIST to help with the SLP. This is a position that has been needed for many years and one of Henry's first actions upon his return to OWM. We look forward to working with Val and Georgia and expect incredible advances in the SLP with two people with the knowledge, dedication, and abilities of Georgia and Val."

We have built a new reception area in the Motor Fuels Laboratory. This has been a sore spot for years. Our receptionist's office was around the corner from the front door and we could not see when anyone came in. We now have a counter/desk unit for our secretary and it looks much friendlier to visitors. This has allowed us to give our field supervisor a desk and office space, something that position has never had before. We were also able to get two wings of the building painted. Built in 1954, there is only so much we can do with appearances, but a coat of paint really brightened things up. Also, we have added a jib crane at the Standards Lab. Our system is based on the system Florida showed in a presentation at SEMAP. The crane should eliminate most lifting of 50-100 pound weights. Right now we are waiting on DOT to manufacturer the lifting hooks. We should have pictures for the next edition of the newsletter.

As of the writing of this article, we have been assigned a lead NVLAP auditor. We are waiting for an exact date to be scheduled for the audit. Hopefully we are beginning to see the light at the end of the tunnel. LF keeps reminding everyone that we may be seeing the train coming straight at us.

In August, we started running distillations on dyed kerosene in an effort to reduce the numbers of complaints we receive each winter. We do this every fall and winter but wanted to start earlier this year. The presence of red dye in kerosene can mask contamination with diesel fuel. This was usually the case when the complaint involved a kerosene furnace. We did have

several instances last year of contamination at a service station; these were found during routine inspection and sampling. This season we have had only one complaint; at a home-heating tank that did have some contaminated fuel. The number of complaints so far is down from last year. We think the number is down due to increased inspections and jobbers dedicating compartments on delivery trucks solely to kerosene.

We just added 2 more automatic distillation units, giving us a total of 4 in our gasoline distillation lab. This gives us more flexibility as we can run kerosene and diesel samples on these units as well. We have also increased the number of samples tested. Because the automatic sample units are equipped with an automatic fire suppression system, we do manual distillations on the other side of the room while the automatic unit is in operation. We are trying to add 2 units per year until we reach a total of twelve, 8 in distillation and 4 in our kerosene and diesel lab. In other equipment news, Ron reports that the new multi-product dispenser test units are on the road. Three more replacement units are on order.

A new activity for us is the test weighing of bales of cotton at gins and bonded warehouses. The early results look fine, but we have encountered some weighing problems that defy explanation. Typically cotton gains a little weight once it's baled. We have run into some instances where the weights seem to have too many errors on the negative side, yet all scales are found to be accurate. We are continuing to look into this situation.

Lastly, we have issued four civil penalties in the past three months for excessive price scanning errors. The stores involved ranged from the very large to small, convenience stores. In the next edition of the newsletter we hope to have information on how the civil penalties were settled. ☞



Photos from the SWMA Annual Meeting





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 www.swma.org
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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1904 Mission Road
Birmingham, AL 35216