



Southern Weights & Measures Association

94th Edition

SWMA Newsletter

July 2003

JURISDICTIONAL NEWS

FLORIDA

The Bureau of Weights and Measures conducted a statewide testing survey of the compliance of LP Gas exchange cylinders with net contents requirements the first week of June. W&M inspectors also assisted the Bureau of LP Gas Inspections by reporting any safety violations while visiting the retailers that conduct cylinder exchange operations.

There were 180 different businesses with cylinder exchange units visited during the week. Inspectors conducted net contents tests using Handbook 133 procedures on 152 lots consisting of 3,770 individual cylinders. Of the 152 lots tested, 52 (34%) failed for short measure violations. Most of the lots that failed were due to excessive numbers of unreasonably short cylinders. There are only about six companies that supply the exchange units statewide, and two of them face administrative fines based on the results of the sweep. Two other companies will be issued warnings for first violations. W&M inspectors also identified 170 safety related deficiencies and violations at 54 of the businesses visited. It was noted that the unit price of the gas ranged from 74 cents per pound up to \$1.41 per pound depending on the location.

The Florida Metrology Laboratory was notified in June that it had achieved accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP). We appreciate the work and dedication of Senior Metrologist Mike Cook, Metrologists Paul Gentry and Davis Terry and Lab Technician Greg Besoiu in pursuing and achieving the NVLAP recognition. We also thank Commissioner Charles Bronson's staff for their support as well as Henry Oppermann and the WMD staff at NIST for their assistance and for providing the funding for state labs to be evaluated by NVLAP.

Both the Weights and Measures program and the Petroleum Inspection program are saying good-bye to some key people that are retiring June 30. In Weights and Measures, Field Supervisor Bob Grau is retiring after 39 years, and in Petroleum Inspection Chemist Administrator George Lovell is retiring after 55 years of service and Port Everglades Lab Chief Gene Young is retiring after 39 years. We thank these people for their contribution to the success of our programs and wish them the very best in their retirement. ♣

MARYLAND

- He's "had enough." After 32+ years with Maryland Weights and Measures, Program Manager Dick Shockley is retiring, effective June 30, 2003. Dick worked in the field as an inspector and field supervisor from September 1970 to April 1983, and from April 1983 until his retirement, has been the program manager for liquid measuring devices. Dick has served on the S & T Committee for the SWMA, and has attended numerous SWMA conferences. Dick has been an integral part of our section, and will be greatly missed. Dick is truly one of the "Good Guys" of Weights & Measures. If you would like to wish Dick a happy retirement, his home address is: 3502-1B Thomas Pointe Court, Abingdon, MD 21009.



Lou Straub presenting Dick Shockley with the Governor's Citation for his 32+ years of service

- On June 12, 2003, we had a staff meeting at our facility in Annapolis complete with a cook-out for lunch which was enjoyed by all. Chef Joe Hyla (lab technician) did an excellent job preparing hamburgers, hot dogs, sausages, and chicken on the grill. 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. Award "days off" were given to Inspectors Mike Frailer, and Barbara Miller who had the

highest rating in these categories during the last six month period, and Mike Frailer and Rick Bristow, who had the highest rating in these categories during the last twelve month period. The highlight of the meeting was the presentation of Certificates of Appreciation, Awards, and Gift Certificates to Inspector Bill Troup, who retired on March 31, 2003 and Program Manager Dick Shockley who is retiring, effective June 30, 2003. Bill had 30 years, and Dick had 32+ years with our section. Maryland Department of Agriculture Secretary Lewis R. Riley and Deputy Secretary John Brooks, D.V.M. were present, and assisted in the festivities honoring Bill and Dick.



Pictured from left to right: Secretary of Agriculture Lewis Riley, Bob Eaves, Bill Troup, Dick Shockley, Deputy Secretary of Agriculture John Brooks DVM, and Lou Straub.

- We have drafted new regulations for the voluntary registration of service technicians and service agencies. The certification program is intended to allow owners of commercially used weighing and measuring devices to immediately place into service those devices that have been installed, serviced, or replaced by a service technician or service agency registered with the department. We discussed the draft regulation at the ISWM Potomac Division meeting and the Maryland Ad Hoc Committee on Oil. Feedback from the industry groups has been very positive. We are hoping to start the program on October 1, 2003. Currently, we are awaiting final approval from our attorney general to publish in the Maryland Register.
- On June 5, 2003, Secretary of Agriculture Lewis Riley, announced the appointment of S. Patrick McMillan, as the new Assistant Secretary for Unit 12, Marketing, Animal Industries & Consumer Services. (The Weights and Measures Section is part of Unit 12). Pat was special assistant to the Secretary of Agriculture and our legislative liaison. We look forward to working with Pat as he takes his new position as assistant secretary.

Recent Civil Penalties and Court Activities

- On April 15, 2003, we received \$1,000.00 for a civil penalty assessed against Whole Foods Market/Fresh Fields #52, Gaithersburg, MD. The civil penalty was assessed due to

short-weight and labeling violations found during routine package inspections performed at the establishment.

- On June 10, 2003, we received \$700.00 for a civil penalty assessed against Lotte Mart, Ellicott City, MD. The civil penalty was assessed due to short weight and labeling violations found during routine package inspections performed at the establishment. †

NORTH CAROLINA

The North Carolina Department of Agriculture was rocked on June 6 when Commissioner Phipps and one of her deputies, Mike Blanton, resigned. These resignations are due to an ongoing federal investigation of alleged campaign finance law violations. North Carolina Governor Michael Easley appointed an Interim Commissioner, W. Britt Cobb Jr., that afternoon. David Smith, who many of you know, is now the number two man in the department and working closely with the Interim Commissioner concerning overall operations. Interim Commissioner Cobb is a 30- year employee with the department and was an assistant director in the Division of Marketing with responsibilities for international marketing. The Standards Division continues to maintain its focus on weights and measures and fuel quality. The division has a fine group of dedicated employees that will work through this transition and help wherever they can.

State government has finished the second quarter of 2003 with still no word on departmental budget proposals before the General Assembly. Concerning the budget, the continuation budget is still in joint House/Senate conference committee. The leadership has set an adjournment date of June 30th but that will depend on adopting a state budget. As reported last time, the division had to give up one vacant position. There will be some additional reductions during the second part of the biennium in 2004/05. The division continues to have some successes, however, with promotions and hiring into critical positions. The division must continue to be very cautious when filling other positions until it is seen how the budget process plays out. As reported before, it continues to be a balancing act. Division management is always thankful to have a great group of folks that continue to be dedicated to protecting the consumer in the marketplace.

The big news at the Standards Laboratory is their NVLAP Accreditation for the scope of accreditation under NVLAP Lab Code 200495-0. Both management and metrologists have put many hours into this process. The benefits have already been immeasurable. All laboratory personnel have a much better understanding of processes and uncertainties. Our customers can be assured of much better calibration services as a direct result of the accreditation process. Rumor has it that Cliff and L.F spend hours gazing at the NVLAP Certificate of Accreditation. The laboratory will not have long to rest on its laurels since a maintenance audit will be scheduled by the end of the summer.

The Standards Laboratory has worked closely with Marathon Ashland Petroleum over the past month to establish a gravimetric calibration program for dynamic small volume

provers (SVP's). A side benefit of this program has been the development of a large volume gravimetric calibration process for open neck volume provers up to 100 gallons. Thanks in

large part to Marathon Ashland's willingness to bring all three of their SVP's to the lab at one time, we have been able to gather a large volume of data very quickly. The process has gone very

well. The laboratory will request an expansion of its NVLAP Scope of Accreditation to cover large volume and SVP gravimetric calibration as soon as all of the documentation is analyzed.

Grain moisture inspectors Joe Huntley and J.D. Ambrose report that collecting wheat for grain moisture standards this year has been more like wading through rice paddies. The wheat looks good, but they have heard stories of many combines being mired down in the fields. Some of the stuck combines have even had four wheel drive!

Despite budget woes, the Standards Laboratory was able to replace three aging balances with new Sartorius CC10000S and CC50002 mass comparators. So far, these balances are performing well. In addition, an eighteen-gallon per minute deionized water system was purchased to support the expansion of the gravimetric calibration program. The Standards Laboratory is also in the process of hiring a new employee as a Maintenance Mechanic II. This position is an upgrade from the previous Laboratory Helper position (vacant since September 2002). The increased responsibilities include maintenance of the HVAC and other mechanical systems at the laboratory. We hope that this position upgrade will lead to less down time at the laboratory.

The Measurement Section continues to go through a few changes. In June, the division was able to hire Kenneth Hinnant as a standards inspector for the Williamston area in the northeast part of the state. Ken was a 20-year farmer and managed about 2,000 acres before coming on board. The division is excited about his expertise in many areas that will transfer over to weights and measures inspections.



Van Hyder of the Maryland Lab talks with Mike Honsberger of Marathon Ashland at the transfer vessel.



The Marathon Ashland provers being calibrated at the Maryland Lab.



The calibration kit (solenoid controlled valves) needed to calibrate the provers.

lence in Innovation. Wayne set the standard in North Carolina for calibrating propane meters. He has over 30 years of experience doing it.

The LP-Gas Section is back up to full strength (knock on wood) with the addition of Shane Todd. Shane is a site inspector in the southeastern part of the state. His previous experience includes law enforcement and building inspections.

Richard Fredenburg, our LP-Gas Engineer, went to San Diego in May to participate in the technical committee meetings for NFPA 58 and 59. These two standards will be voted on soon and will be published early next year.

In June, we made a joint presentation with the North Carolina Propane Gas Association to the North Carolina

The spring has brought mild temperatures and much rain. The drought for the state has officially been declared over. Now farmers are unable to get in their fields due to excess rain. The spring planting and the harvesting of fruits and vegetables are feeling the effects. The division is continuing its regular inspection duties including price scanning. This is still the area where most problems are found. Civil penalties continue to be issued as store personnel are cut back. The division continues to give top priority to complaints.

Some additional successes for the section are two replacement calibrator trucks. This will complete the section's fleet of four. As has been stated before, thank goodness for prior planning. The section would not have been able to purchase these vehicles unless they had been planned for two years ago.

The Motor Fuels Lab has completed a consultative OSHA inspection with only minor repairs and restoring of some equipment. The existing equipment Lockout/Tagout program needs to be expanded and have more detailed instructions. With some additional guards on the octane engines and some rewiring of a few electrical receptacles, the section had a successful safety audit. This is quite a feat for a building with areas that have been in use since 1954 and 1976. Congratulations go out to Steve Benjamin, Program Manager, the division safety committee and the staff at the Motor Fuels Laboratory for all their efforts. Needless to say a few beads of perspiration have been wiped away. Not to worry, however, with June temperatures already in the nineties the beads of sweat will be the old fashion kind.

One of the LP-Gas Section's own was honored recently. Wayne Manning, a truck inspector and meter calibrator was honored by Commissioner Phipps with the Award for Excel-

Building Code Council to point out some conflicts between the General Statutes and some portions of the North Carolina version of the International Fire Protection Code. The initial reading of the board's action is that they agreed with the proposed changes to the fire code to resolve the conflicts. The problem was that the fire code added some jurisdiction to the fire inspectors that went beyond what the general statutes granted. This allowed the fire inspectors to impose new and different requirements on propane installations, rules that sometimes were in conflict with NFPA 58 or were significantly more stringent than what we have been enforcing. †

SOUTH CAROLINA

Budget problems continue to be the biggest concerns in South Carolina. The Department is facing further budget cuts with next fiscal year's budget, which begins July 1st. We have seven less personnel in our weights and measures program now than we had less than eighteen months ago. In 1985 we had 33 weights and measures inspectors. Today we have 23, with a considerable increase in the number of devices, especially gasoline dispensers, to be inspected. It is anticipated that the budget cut the first of July can be weathered without further reductions in force or furloughs. However, if tax collections continue to be less than estimated, more budget reductions during the year could be forth coming, and furloughs and/or force reductions may have to be taken.

For sometime we have considered and attempted to get legislative approval to charge fees for calibrations performed at our Metrology Lab. Beginning July 1st, the Department will begin

charging fees based on an hourly rate of \$45.00 per hour. Revenues generated by these fees will be used by the Department to offset expenses incurred in operating our Metrology Lab. Last year we began charging for the registration of repairpersons of weighing and measuring devices. The fee for that license is \$25.00 per person, and the money is retained by the Department to help defray the cost of our weights and measures program. The money generated by these two funds is only a very small percentage of our entire weights and measures budget. We must rely on the other funds to come from the state's general tax revenues. Attempts at Legislative approval for registration fees for commercial weighing and measuring devices have not been successful.

WEST VIRGINIA

WELL as the start of a new fiscal year approaches West Virginia Weights and Measures finds itself confronted with the same situation faced by many other jurisdictions across the nation, a lack of money. The Governor's Office and the State Legislature tell us that we will have to cut back on our expenses, we will not be able to operate our program at the present level, and that our operating budget has been cut to approximately two-thirds of its 2003 fiscal year level. Since our programs are funded only by state funds, and we receive no additional funding from federal or private grants this gives us no choice but to curtail many of our operations during the upcoming year, and possibly further into the future.

Almost all state agencies, with the exception of education, find themselves constrained by the restrictions. Karl Angell, Director of Weights and Measures, who expressed several months ago a fear that budgets would be cut, had been working on possible ways to cut expenses, but was surprised at the sweeping extent of the current cuts. He is now confronted with attempting to prioritize our program in an attempt to give the citizens of the state as much protection as possible considering the limited funds available. But the bottom line is, who is going to receive less protection from weights and measures programs?

When it is considered that our programs directly and indirectly affect every citizen, tourist, and business in, and out, of the state, how do you decide which programs are capable of being curtailed or eliminated? West Virginia law requires that every commercial weighing or measuring device be tested and certified at least once every year. Which of these devices don't need tested every year, or could be eliminated? Every device affects not only the operator, but every consumer who purchases, or sells, a commodity utilizing that device. This could be the housewife buying a pound of sliced bologna, an industry buying hundreds of tons of coal, or third-world consumers buying chemical fertilizers packaged in one of our chemical plants. Each of these devices is important to those people who depend on us to assure they are being equitably treated in their business transactions. Which of those people are deserving of less protection question

When we are conducting package inspections should we ignore testing packages that are packaged out-of-state, or out of the United States? We could allow the consumer to take their chances with those packages, after all they were packaged under another jurisdiction, and the odds are they are correct.

What about scanner inspections? It seems that errors are pretty much even when it comes to undercharges and overcharges, in a lot of situations the businesses are undercharging the consumer. Perhaps the businesses are better able handle the loss of revenue than the consumer, and we can curtail scanner inspections.

What about gas stations? Hey, the price of gasoline is going down, you can get it for around \$1.50 a gallon anywhere. Think about this, if one or all the pumps at a station are shorting an individual consumer a few cubic inches during each transaction, that means that they will only lose a few cents each time he fills up. By the same token, the station operator who is giving away a few cubic inches each transaction will only lose a few cents each time. Maybe these people can use a little less protection.

The people we protect are people who have no control over what they are purchasing, whether they are a student buying a keg of beer, a homeowner buying a square of roofing, a steel plant buying a railroad car of iron ore, or a six year old child buying fifty cents worth of candy. It doesn't matter who you are, when you tell that clerk or salesman, "I want some of your product" you have no control. You are completely dependent on the seller, using his devices to treat you fairly and honestly. You depend entirely upon some invisible, omnipotent, deity that guarantees his device is correct, he operates it properly, and that you have received, and been charged, the correct amount.

When we start considering ways to justify giving businesses or consumers less protection we are reentering a world that we have tried to leave for the past few thousand years. Every early civilization has acknowledged that all citizens were entitled to equity in weights and measures from the king down to the lowest peasant and we have inherited and codified this knowledge. Now due to economic conditions around the world, we are faced with the seemingly impossible task of enforcing our weights and measures laws, with little support from our legislatures, the business community, and the general public.

It's pretty easy for an administrator, fresh out of college and on his first job, to set back and tell us to "work smarter not harder". The basic fact is we will all have to work a lot harder and smarter in order to be able to continue providing the protection we have been giving in the past. No person deserves or should be given less protection, they have a right and are entitled to all the protection we can provide under our laws. True, it will be more difficult, more trying, and less appreciated, but in the words of the combat engineers in World War II, "the difficult we do immediately, the impossible takes a little longer." ☪

Calendar of Events

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|--------------|--|-------------|---|
| July 13-17 | NCWM Annual Meeting
Reno, NV John Ascuaga's Nugget
Contact: Grace Jan, (240) 632-9454 | October 3-4 | NTETC Measuring Sector
Hyatt Charlotte, Charlotte, NC
Contact: Steve Patoray, (828) 359-6178 |
| August 17-21 | NCSL International
Yampa Bay, FL
Contact: www.ncsli.org/conference/2003 | October 5-8 | Southern Weights and Measures Association
(SWMA) Annual Meeting
Hyatt Charlotte at South Park, 5501 Carnegie
Blvd, Charlotte, NC 28209-3462
Phone: 704-554-1234 Fax: 704-556-7405
Hyatt web: http://www.hyatt.com
About the Hotel:
http://charlotte.hyatt.com/property/hotelinfo/about/index.jhtml;jsessionid=ZQVPFT3RTX1BEP5QSESCM4R54CISKJVC?hotelId=2091&level=0
Charlotte Convention and Visitor's web:
http://www.charlottecvb.org
Thirty rooms have been blocked for Saturday,
October 4 for those that would like to come early.
The block code for this meeting is SWMA. The
rate will be the prevailing government rate
currently at \$71 plus 13% tax. Fifty rooms have
been blocked for Sunday and Monday with 40
blocked for Tuesday. The deadline for
reservations is September 12, 2003. After this
date rooms may be released.
Hotel Contact: Kristin Walker
SWMA Contact: Winston Sutton 919-733-3313
Fax: 919-715-0524 |
| August 20-22 | Grain Moisture Meeting
Chase Suites Hotel
Kansas City, MO
Contact: Diane Lee, (301) 975-4405 | | |
| Sep. 7-9 | Central Weights & Measures Association (CWMA)
Interim Meeting
Jumers Castle Lodge
Bettendorf, IA
Contact: Pat Mercer, (517) 655-82202 | | |
| Sept. 11-13 | NTECT Weighing Sector
Picadilly Inn
Fresno, CA
Contact: Steve Patoray (828) 359-6178 | | |
| Sept. 14-19 | Annual Western Weights & Measures Association
(WWMA) Technical Conference
Picadilly Inn www.piccadillyinn.com
Room Rates: Single/Double \$73.00, siute is
\$150.00
Reservations must be made by August 30th
Contact University Piccadilly Inn to reserve rooms
(800) 468-3587 Fax: (559) 227-2382
Fresno, CA
Contact: Clark Cooney, (503) 986-4677 E-mail:
ccooney@oda.state.or.us | | |
| Sep. 15-19 | NEMAP Regional Metrology Training
(Regional members only)
Location in NH TBD
Contact: Georgia Harris (301) 975-4014 | | |

Contact SWMA

The SWMA Newsletter is published quarterly.
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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: 919-733-2113 Fax: 919-715-0026
E-Mail: David.Smith@ncmail.net www.swma.org

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1904 Mission Road
Birmingham, AL 35216