



Southern Weights & Measures Association

95th Edition

SWMA Newsletter

October 2003

JURISDICTIONAL NEWS

ARKANSAS



Director James Scott presents the coveted Arkansas Traveler certificate to Richard Suiter and Diane Lee of NIST

DELAWARE

While the Delaware Legislature didn't approve any increases to the FY 2004 Weights and Measures budget, it didn't cut back last year's budget substantially, and we have not lost any positions. So we consider ourselves pretty lucky, and thank the Governor and the Legislature for the bipartisan effort that has left the state in a relatively decent financial position.

We have been able to upgrade our two Win Wam Package Checking programs that were purchased years ago. We hope to have them operating in the field by the time this newsletter goes to print, and to purchase an additional three laptops and programs before the end of the year. This will be our first step toward completely computerizing our inspection work.

The Delaware gas pump inspection program is right on schedule, and the inspectors are in the midst of inspecting fuel oil and propane delivery trucks. The annual inspection of large capacity scales is winding down, and we hope to get back into the stores for some package checking and price verification shortly. ♣

GEORGIA

We have been fortunate through all of the states budget cuts not to lose too many field personnel. We are having to go this year without any pay raises and a reduction in our budget for next fiscal year. We were able to squeeze out enough money to update and add some equipment for our field personnel. We have added 3 new slip-in units for high speed retail fuel inspections. We have also added on a new Seraphin brand L.P. Gas unit, there are 100 and 20 gallon provers on the unit. We are also getting new thermometers for the L.P. inspections. In our small weights inspections we are increasingly picking up more small counter scales used in eating facilities. Our training program has also been hit hard by budget cuts, and most of our training is being done one on one at the field level.

Fuel Calibration inspector Gene Meeks will be retiring October 1, 2003 after 26 years of working in the fuel and measures division. We wish him the best in his retirement.

State Metrologist Rich Lewis reports from the Weights & Measures Lab that Dale Gann, Metrologist I, will be attending the Intermediate Metrology Seminar in Gaithersburg MD in November. Rich is also looking into doing major updates on the environmental system in the lab and replacing a couple of balances, however these projects currently hinge on our budget constraints.

Our director Jerry Flanders and Field Supervisor Marnie Pound just returned from the NCWM in Sparks, Nevada and had a very productive trip dealing with weights and measures issues. Jerry and Marnie will be attending the SWMA in Charlotte, NC in October and they are looking forward to that meeting. ♣

MARYLAND

- The Maryland State Fair was held in Timonium, MD during August 22 - September 1, 2003. The Maryland Department of Agriculture (MDA) display was an interactive "MDA Village" which showed how MDA affects the lives of Marylanders every day. Our section had on display a cord of firewood, which was given away at the conclusion of the fair, a gasoline dispenser, and a mock-up of an old country store complete with a scale, and a meat cooler, shelves, and barrels filled with packaged commodities. We also had an electronic medium capacity scale which was used by our staff members to provide those attending the fair with their official "certified" weight.

Program Manager Bob Eaves, Field Supervisor Gene Baumann, and recently retired Inspector Bill Troup and Program Manager Dick Shockley were honored at a luncheon held during the state fair for having 30 or more years service with the Maryland Department of Agriculture. Each was presented with an engraved plaque and money clip.

- With the recent retirement of Inspector Bill Troup, our field staff, including supervisors, has dwindled to a total of 18 (in 1986 we had 48 in our field staff). We are unable to fill any vacant positions due to the current economic situation, and promotions and pay raises are frozen for an indefinite period.
- Our office was shut down at 2 P.M. on September 18, and was closed on September 19 due to Hurricane Isabel. Our staff made it through the hurricane relatively unscathed. Several were without electricity for periods up to 4 days, but none of their homes were seriously damaged. Chief Lou Straub had several large trees fall on his property, including one which narrowly missed his house. It has been rumored that Lou may retire, and go into the firewood business.
- On September 15, 2003, Maryland was host to five visitors from China, who represented the China National Institute of Metrology and the Tianjin Institute of Measurement Technology. The visitors toured our metrology labs and were informed of Maryland's metrology program by Chief Lou Straub and Metrology Program Manager Steve Barry.
- Our laboratory is now one of 11 state weights and measures laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) for compliance with criteria set forth in the International Standard ISO/IEC 17025:1999. The scope of accreditation includes mass, volume, and length. In a September 22, 2003 news release, Maryland Agriculture Secretary Lewis R. Riley stated: "I am very proud that Maryland's Weights and Measures Laboratory joins the prestigious group of state laboratories accredited by the NVLAP program. We strive to provide the highest quality measurement services, to clients and field staff with the end result being fairness in the marketplace for businesses and consumers." A special thanks to Steve Barry and our metrology technicians for all of the hard work that was necessary to accomplish this goal.

Recent Civil Penalties and Court Activities

- On July 31, 2003, we received \$350.00 for a civil penalty assessed against Super Fresh #847, Bel Air, MD. The civil penalty was assessed due to short-weight violations found during test purchases performed at the establishment.
- On September 17, 2003, we received \$250.00 for a civil penalty assessed against Greenland Supermarket, Baltimore Md. The civil penalty was assessed due to violations found during routine scanning inspections performed at the establishment. 📧

MISSISSIPPI

Consumer Protection Division

We appreciate and enjoyed Tom Coleman's visit and meeting with us on August 13th to discuss any problems or unique situations that we have found in our weights and measures work. Tom met with us in the morning and then that afternoon we toured several grocery stores. We think this was a good learning experience for all parties involved.

Petroleum Division



The Petroleum Division of the Department of Agriculture has recently purchased a slide in calibration unit. This unit will enable the inspectors to check the calibration on the nearly 50,000 nozzles in the state in both a safer and more efficient manner.

The division has collected \$2,000 from Laxmi and \$18,000 from KaKa Food Mart, both local retailers in the Jackson area, for "rollover" fuel violations.

Weights and Measures Division

Mississippi Weights and Measures has been busy this summer, even with the budget crunch, and we are looking forward to seeing everybody at the Southern Conference.

Our metrology lab is really coming along, which I am sure is good news for Alabama and Louisiana, who have graciously

taken on the extra workload that we were unable to do. Thanks guys! We are planning to have our grand opening in early 2004. I wanted to let you know that Gary S. Smith has moved from the Grain Inspection Division to take on the assistant metrology position at the lab. Gary is doing a great job and will probably attend the basic metrology course at NIST in the spring.

Inspector Mel Iasigi attended the Vehicle Scale Instructor Training Class in Kansas City the week of September 21. Mel said it was a great class and he was honored to get to go. ☙

NORTH CAROLINA

The North Carolina Department of Agriculture has finished the third quarter and is adjusting to about a 5 percent cut in overall funding. There is now a new wrinkle in this process in the name of Hurricane Isabel. Already over \$150 million in crop damage is being reported and this figure will continue to increase. The counties and towns are reporting \$50 million in losses with this figure expected to grow considerably. Some funding may be withheld from state agencies to help with the clean up and recovery effort ongoing in the northeastern part of the state. Overall, the state fared far better than when Hurricane Floyd paid a visit in 1999 but the continual money drain on our citizens and agency budgets to fight hurricanes, drought, and ice storms is getting old. The division had no damage to vehicles or equipment with minor damage to the homes of the inspectors that live in the area. Many trees were taken out along with electric power. Electricity has now been restored to the towns with the work in the rural areas continuing. The Standards Division continues to maintain its focus on weights and measures and fuel quality. In the areas impacted by Isabel, the division shifted to an assist mode as the situation dictated. I'm sure our friends in Virginia and Maryland have similar stories to tell.

The Standards Laboratory has gone through its first NVLAP Accreditation maintenance audit during the first week in October. Everyone is hoping for the best on that. The laboratory's Quality Manager, Cliff Murray resigned September 23rd so this was an added challenge for LF. Cliff had an opportunity to purchase a farm in up state NY. All of us wish Cliff the best as he takes on this new endeavor.

On a much sadder note, one of our metrologist, Tal Anderson, lost his father in a tragic accident during Hurricane Isabel. Tal's father was a 29-year lineman with an electric co-op on the coast. While trying to restore power he was electrocuted at a substation near his home. Our thoughts have been and continue to be with Tal and his family. If anyone would like to contact Tal he can be reached at 919-733-4411. His home address is 4501 Mimosa Tree Lane, Apt. 810, Raleigh, NC 27612

The Grain Moisture Program is gearing up for the peanut harvest, however, Hurricane Isabel has impacted this activity. In addition to the crop damage mentioned earlier, several grain mills were damaged by the storm. Our inspectors are assisting as they can or as the situation arises.

Since the last newsletter the Measurement Section has hired Kenneth Reed as a Standards II Inspector. Kenneth will be working in the ever-growing Hendersonville area in the western part of the state. Gerald Brown has been promoted from a Standards II Inspector to our Western Area Supervisor. Gerald has been doing outstanding inspection work for the department for the last 23 years. Gerald has served as our training officer for all our new Standards II Inspectors.

He has attended several NIST sponsored training courses where the knowledge he gained was passed along to the rest of our inspection staff. He is well versed in all phases of our inspection program. His expertise will be a welcome addition to our management staff.

To help with the increasing number of retail fuel dispensers, we are in the process of adding another multi-product test unit to our fleet. With this addition, along with the use of the two older units we replaced we hope to get back to an annual inspection for every location. The older units will be shared throughout the state by our inspectors to test their larger locations.

We are continuing to focus on price scanning. Most companies have worked with us to address problems in this area. There has been a noticeable improvement with price scanning since we began devoting more time to this phase of our inspections.

During the afternoon of September 30th, one of our weights and measures inspectors, Ray Winslow, was involved in a serious vehicle accident while on the job. As of October 1st he is still in the hospital. Surgery has been completed on his leg and face injuries with possible surgery being needed in the abdomen area. Ray will need our thoughts and prayers during his weeks of recovery.

The Motor Fuels Lab did well with the OSHA consulting inspection. There were a few items that needed some attention and these were corrected well ahead of the deadline. The lab is scheduled to have an OSHA compliance inspection sometime after Nov. 30th. The consulting inspection left us with some "recommendations", so we are working on those before the compliance team comes in.

The Motor Fuels Section will begin interviewing for the Field Supervisor position soon; it has been vacant since June 1 when Ken Elliott retired. Over the next couple of months the section will have three more positions open due to retirements: a field chemist, courier and lab supervisor.

During the last quarter, LP-Gas Inspectors and others in the Standards Division received training on basic investigation techniques from the State Bureau of Investigation. This training will help during propane release investigations and situations involving consumer complaints.

LP-Gas Truck inspectors, who also perform meter calibrations, have received information directly from the manufacturers on the new electronic registers and how to calibrate them. This will continue in October.

The division's LP-Gas Engineer, Richard Fredenburg, traveled to Virginia to address a town board meeting about propane bulk plant safety. This board was considering approval for a

new bulk plant and the division's assistance was requested. The only report at this point is that the proposal did not receive any negative action after Richard's presentation. †

WEST VIRGINIA

The Southern Weights and Measures Conference starts this weekend, October 5th, and West Virginia Weights and Measures will be sending Steve Casto and Bill Cobb to Charlotte as it's representatives. Karl Angell, state director, had made plans to attend, however budgetary problems have developed that will require his attention and he regretfully will now be unable to attend.

State director Karl Angell was recently appointed by NCWM chairman Dennis Ehrhart to a five year appointment as an at-large member in the Board of Directors. Karl realizes that he must quickly get up to speed with the inner workings of the conference, and is looking forward to working with the other members of the Board to assist in dealing with the important issues facing all of our jurisdictions.

Under the current weights & measures program, West Virginia is divided into a Northern and Southern Region, each supervised by a Chief Inspector. These two regions are divided into fifteen multi-county areas each covered by an inspector. Both the Northern and Southern regions are also assigned a full time heavy scale test Unit, and a gasoline test unit. This situation has enabled us to give relatively good coverage to the state. Of course, more money and personnel would allow us to give better service, but with recent and future budget restrictions, this is out of the question. We are now experiencing some difficulty in maintaining the previous level of inspection coverage we have been providing. Due to these budget shortfalls, the outlook is not good for the future, and borders on grim.

We presently have three inspector positions vacant. In the Northern region the gas test unit operator has been under Worker's Compensation care for over a year, and also one of the area inspector positions is vacant. One of the Southern Region's area inspectors is a pilot with the West Virginia Air National Guard and is on his second activation in Iraq within the past year. This situation is forcing area inspectors to cover larger ar-

reas in order to maintain inspection coverage. So far we have been able to provide coverage with minimal delays, however further personnel or budgetary reductions will result in longer delays for requested inspections, reductions in the frequency of routine annual inspections, and unacceptable delays in responding to consumer complaints.

All our efforts to make the WV weights & measures program self-funding, including fees for device inspection and standard calibrations, have been fought by business and service agencies and subsequently dismissed by the legislature.

Dana Baldwin, area inspector for Kanawha and Clay counties, will be retiring shortly in order to spend more time with his family and travel. Dana is a four year veteran of the United States Navy, and has been employed by the WV weights and measures section since September of 1996. Dana's diligence, his thorough inspections and investigative technique, and his devotion to providing protection to the citizens of West Virginia have proven him to be a valuable and efficient member of the section. We wish him and his wife a long and enjoyable retirement.

Northern region Chief Inspector Bill Cobb, conducted a week long class in package checking procedures and gravimetric testing, package and labeling, 12we and method of sale. Attending the class were inspectors John Pulice, Dan Price, Dan Simmons, Brian McClure, Andy Hollins, and Tom Adkins. Classroom instruction was conducted at the weights and measures training facility in St. Albans, and Kroger's generously assisted by providing a location for the field training.

In a conversation during a recent visit by Kenneth Butcher, NIST OWM, Ken mentioned problems in package and labeling and unit pricing across the country, this prompted us to commence a statewide survey to find the level of compliance in West Virginia stores with the Unit Pricing Regulation. The major objective of the survey is educating the business community as to the requirements of the regulation, pointing out any violations, offering our assistance in obtaining compliance, and encouraging the business's voluntary compliance. It is hoped this approach will obtain positive results without the section being placed in a position requiring punitive action. †

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