



Southern Weights & Measures Association

97th Edition

SWMA Newsletter

April 2004

JURISDICTIONAL NEWS

MARYLAND

- The Annual Maryland Department of Agriculture Open House was held on Saturday, March 20, 2004. Our labs were on display, and we gave demonstrations on the inspection of packaged commodities. We also had on display a cord of firewood, which was given away to a lucky attendee of the open house, a LPG prover, a VTM prover, and a 3-5 gallon prover test unit. We provided a scale for those in attendance to obtain their correct weight. Representing our section during the open house were Chief Lou Straub, Program Manager Bob Eaves, Field Supervisors, Don Mason and Ken Ramsburg, Inspectors Bill Hall, Ethan Halpern, Mike Frailer, and Aaron Webb, and laboratory staff member Zenon Waclawiw.

Recent Civil Penalties and Court Activities

- On January 12, 2004, we received \$1,000.00 for a civil penalty assessed against Giant Food #299, Accokeek, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment. ☞

MISSISSIPPI

Julie McLemore has taken a position with the Mississippi Attorney General's Office representing the Mississippi Department of Agriculture and Commerce and other state boards. Julie would like to express her thanks to all of you that have offered assistance to her in the past 5 years. In addition, Julie said, "I am proud to have been associated with all of you in the weights and measures community. Weights and measures work is so important in everyone's lives, and I have been impressed by the dedication to this cause of so many weights and measures officials in the SWMA. I look forward to finishing my term as President of this organization."

Richard Benton, D.V.M., Director of the MDAC Meat Inspection Program, has assumed her position as Director of the Bureau of Regulatory Services for MDAC. Dr. Benton looks forward to meeting those of you who attend the Southern Weights and Measures Association conference in October.

You can contact Dr. Benton at 601-359-1111 or RichardB@mdac.state.ms.us.

Gene Robertson, former Marketing Specialist for MDAC, was named Assistant Director for the Bureau of Regulatory Services in August 2003. Gene will be assisting with policy decisions involving weights and measures issues. You can reach Gene at 601-359-1111 or Gene@mdac.state.ms.us.

Planning is ongoing for the 2004 SWMA meeting to be held at the Grand Casino in Gulfport, Mississippi from October 24-27th. We will circulate more information in the upcoming months. ☞

NORTH CAROLINA

The North Carolina Department of Agriculture and Consumer Services has completed the third quarter of the 03/04 budget cycle and has submitted reductions totaling about \$3 million for the 04/05 budget year. State revenue receipts for January were up some but not at the levels needed for the 2004-05 budget year. Programs that rely on appropriated funding have been cut to the point that further reductions may require elimination. Receipt supported programs have shifted some funding to help in other areas. The budget for the Standards Division is primarily receipt supported with about one-third appropriated. The division continues to function with an eye on the budget horizon. Activities that can be streamlined or possibly eliminated that may help the division operate more efficiently, have been considered.

The Measurement Section is gearing up for inspections of a variety of seasonal items that are used this time of the year. Springtime and mild temperatures have allowed everyone to begin working in their yards and gardens. Farmers are in the fields preparing them for planting. Decorative stone, pine bark, potting soil, mulch, fertilizer and other seasonal items are abundant everywhere. This is the time of the year the section focuses on items associated with the season. The section's goal is to inspect all packer locations for short weight products. Early inspection is necessary to find substandard lots before they are shipped to retail distributors or even out-of-state. Most lots are found to be within tolerance and the inspectors hope this will be the case this year. In the past, some short weight items were found at the retail level and had to be returned to the packer.

The ever-increasing price of gasoline and fuels have caused increases in the number of complaints. Also the department's Public Affairs Division released an article prior to Weights and Measures Week to help make the consumer more aware of the section and division's activities. It worked! The section conducted interviews with six TV stations, several newspapers with large circulations and some radio stations. The concerns and complaints have been rolling in. As always, top priority is given to complaints and concerns from the public sector.

An update on Ron Murdock: He has been moved to a retirement home closer to his family where they help him as much as possible. The name, address and phone number of the home are listed for anyone who would like to give him a call or drop him a card.

Eden Gardens of Statesville
2147 Davie Avenue
Statesville, NC 28625-9200
Phone 704-878-0123

Concerning the Motor Fuels Laboratory, Art Rupard has been promoted to Lab Supervisor. Art has been with the division for 16 years. During the last 12 years he has been a dual role chemist and fuels inspector for the Raleigh area. Art is now responsible for the day to day operations in the lab and coordinating with field inspectors concerning condemned products or complaints. Art's field experience will be valuable when dealing with fuel quality complaints or questions from the public. Robert Cooke has been promoted to Fuels Chemist for the Durham-Burlington area. Robert had been in the lab as a Chemistry Technician for about 8 years and seems to be enjoying the new job outside the lab.

The Motor Fuels Lab has just received a new Antek sulfur analyzer so that the testing of low sulfur gasoline can begin as this product arrives in the state. The lab has also joined the ASTM Ultra Low Sulfur Inter-laboratory Crosscheck Program and will begin sending in results as the new unit is up and running. The lab has also replaced two additional distillation units with automatic instruments. This new equipment replaces units that have in use since the early 1960s

The LP-Gas Section reports that calibration inspectors traveled to Nashville, TN recently for a two-day session with five meter manufacturers and other calibration inspectors from about six states. Each manufacturer gave a presentation about his meter and how to calibrate it. Then each inspector had a chance to "calibrate" a meter on the demonstration stand and ask questions. The section's LP-Gas Engineer also went and took advantage of some valuable training and information exchange. The session went very well and sincere thanks goes out to the state of Tennessee for their hospitality and arranging this event. The interaction between the inspectors and the industry representatives opened up some lines of communication.

The 2004 Edition of NFPA 58, the *LP-Gas Code*, is being shipped. North Carolina will start enforcing it on July 1, 2004.

The Grain Moisture Section developed protocol and testing procedures in late 2003 and began inspecting grain moisture meters capable of measuring test weight per bushel in January

2004. The new Handbook 44 regulations, effective January 1, 2004, allow grain moisture meters, already approved through the National Type Evaluation Program (NTEP), to use their test weight per bushel measurements commercially if they possess the capability. Previously, the section allowed meters with test weight measurement capability to be used only as a "screen" regarding commercial test weight of grain. The section is anxious to implement this change as it should be useful to the grain industry and will perhaps save them some valuable time when making commercial grain measurements.

The Standards Laboratory is still trying to fill the vacant quality assurance manager position. Hopefully by SWMA newsletter publication, this position will be filled.

The Standards Laboratory hosted a small volume prover (SVP) calibration procedure development and training session (February 16-21, 2004) coordinated by Georgia Harris of NIST WMD. NC metrologists worked with Kelley Larson (AZ), Craig VanBuren (MI), and Bill Erickson (MI) to develop a uniform procedure, validate spreadsheets to calculate calibration values, analyze uncertainties, and practice the procedure on three Marathon Ashland small volume provers. The laboratory would like to thank Henry Oppermann of NIST WMD for funding the majority of the travel, even after finding out about severe NIST budget cuts. This week of development and training was very beneficial, not just to NC's program, but also jump-starting regional SVP calibration capabilities in Arizona and Michigan. The laboratory would also like to thank Marathon Ashland for allowing the metrologists to learn on their three provers. They were very patient with our trial and error process development, many experiments to demonstrate repeatability and accuracy, and long procedure and uncertainty analysis sessions. When it's time for their next calibration in June, the NC metrologists promise there will be no snow!

The laboratory also wishes to thank Henry Oppermann for allowing Georgia Harris to spend two extra days here before the SVP training to work with NC's metrologists and Kelly Larson (AZ) on Echelon I mass calibration issues. The extra time spent will help all to improve the efficiency and dependability of the laboratory's highest level of mass calibration accreditation.

The Standards Laboratory is also moving forward with a cooperative effort to develop a wheel load scale calibration program with the North Carolina State Highway Patrol (NCSHP). For this program, NCSHP is providing the force ring and press at the Standards Laboratory for the metrologists to test NCSHP regional scale calibration equipment. In addition to testing these load cells, the division will provide technical support for the program. This will include evaluation of uncertainties involved in the testing of the scales, statistical process uncertainty analysis, and quality assurance as the entire program is put into place. Winston Sutton, Jerry Butler, L.F. Eason, and the Division's three measurement section supervisors each spent a morning riding with a NC State Highway Patrol, Motor Carrier Enforcement officer to get a better understanding of the needs for this program. The ride-along experience taught everyone much about the challenges faced by these officers. The development of the program will continue with repeated comparisons between truck weights taken from fixed scales and wheel load

weighers to analyze the uncertainties involved with weighing vehicles using these scales.

Van Hyder is representing NC at the SEMAP meeting in Richmond, VA, this week (March 22-26th). Van has done a tremendous amount of work coordinating regional Interlaboratory Comparisons (ILCs or round robins) this year. States in the region continue to show improvement. Van will have a difficult task bringing back all of the training offered at SEMAP and training the other metrologists, but all are confident that Van is up to the task.

North Carolina is very happy to have calibrated primary mass and volume standards for the states of Georgia and Mississippi this quarter. Hopefully the Standards Laboratory has provided a valuable service to these programs. With all of the

snow and sleet the folks from Mississippi had to negotiate getting to the lab (what a winter!), Van and the other metrologists spent many extra hours collecting additional data to evaluate temperature affects on 500 lb stainless steel primary standards. This data may be very useful in the future, but everyone hopes our extreme winter conditions are over for this year!

The laboratory has added a 1000 gallon holding tank and new pumping system for deionized (DI) water. This will allow the metrologists to have a large reservoir of temperature equilibrated DI water to use for SVP and large volume gravimetric calibrations. Although DI water can't be stored for long periods, short term storage in this tank will give better assurance of the DI water temperature stability and uniformity. Temperature accuracy is the largest source of gravimetric calibration uncertainty. †

North Carolina Standards Laboratory Small Volume Prover Calibration Photos



Detail of the “calibration kit” that is required for SVP calibration. It is a set of solenoid driven valves used to direct water flow into the transfer vessel when triggered by the SVP’s optical switches for the calibrated section of the SVP body. When water is flowing through the part of the prover that is not calibrated, the valves divert the water to a drain



Metrologists from NC (left to right Tal Anderson, Van Hyder, and Bob Albright with his back to camera) and Kelley Larson from Arizona measuring the temperature to determine the water density. Kelly Larson joined Craig VanBuren and Bill Erickson from Michigan to participate in the training coordinated by Georgia Harris of NIST at the NC Standards Laboratory.



NC Metrologist Van Hyder discusses the prover calibration with Mike Honsberger of Marathon Ashland. The water from the calibrated section of the prover is weighed in the plastic tank.



One of the Marathon Ashland SVP units in the back parking lot of the lab. The 20 gallon Calibron Syncrotrak SVP is the cylinder with a pipe flange just behind the trailer axles. The front section of the tank is a storage tank designed to eliminate back pressure problems experience when pumping directly back to storage.



Marathon Ashland's first unit with a higher storage tank at the front of the trailer. The 20-gallon Calibron Syncrotrak SVP is the tube directly behind the axles.

TENNESSEE

Spring seems to be right around the corner in Tennessee. A very mild winter has been followed by a warm (so far) spring.

Bob Williams attended the Interim NCWM in Bethesda, MD in January and reported that numerous topics received discussion. The various committees did an excellent job managing their agendas. The annual NCWM promises to be one of the more interesting ones in several years.

Tom Smith, State Metrologist, recently was notified that his tour of active duty with the Tennessee Air National Guard has been extended for 6 more months. Luckily, Tom continues to be based in Nashville but we all miss Tom and wish him well. We are attempting to secure a permanent back up for Tom in the Metrology Laboratory. Ed Coleman is currently conducting small volume calibrations but our mass laboratory continues to be closed. We sincerely apologize to those neighboring states whose labs have been inconvenienced by this closure. In Tom's absence, Bob Williams recently attended the annual SEMAP meeting in Richmond, Virginia. While Bob was hired many years ago in the Metrology Laboratory, he reported that many changes have taken place over the years since he moved out of the lab. Georgia Harris and Val Miller did an excellent job in presenting the numerous topics at this meeting. Mike Kramer in Virginia was an excellent host for this session.

Randy Jennings, Ed Coleman, and others have been very busy in writing contracts and specifications for new equipment over the past several months. All of these documents must be finalized and approved by various agencies prior to July 1, 2004.

We regret that Terry Mills, West Tennessee Inspector 2, recently transferred to TRICOR, which is part of the Department of Corrections and is responsible for managing the various farms that are under this agency. We all will miss Terry and wish him the best of luck in his new employment.

Our legislature is currently in session with our Regulatory Services Director, Mr. Jimmy Hopper, in attendance at several sessions. We do not currently have any pending legislation before this body. ☪

WEST VIRGINIA

Looking back at the preceding year, smiling at the good things that happened and try and try to give some justification to the "not-so-good things". For some reason it's easier to remember the "not-so-good things", I suppose that's just human nature.

Probably the most far reaching "not-so-good thing" was the major budgetary problems experienced by the state which resulted in several budget cuts during the past year. Since West Virginia Weights and Measures is funded entirely by money from the state general fund, if the present restrictions are not eased in the 2005 budget we will suffer a considerable reduction that will result in the cutback or elimination of some programs.

The legislature is just winding down it's session and have announced that the financial outlook for the next five years is bleak, and that there will be no pay raises for anyone this year. Surprising enough this includes the teachers, although they haven't threatened to strike yet. We'll just have to wait and see.

Our Fuel Quality Program provides an important safeguard to the consumers and retailers of the state by providing assurances of a quality fuel supply, and in many cases investigating complaints by motorists who claim to have purchased "bad gas" which caused expensive engine repairs. Fuel testing has not revealed large numbers of retailers selling incorrectly labeled fuel but have revealed a serious problem with contaminated fuel, not with water but with a viral growth that is potentially more serious than water. Our inspectors are working with industry attempting to discover the extent of this infection, it's cause, an ultimately it's extinction.

Dennis Harrison, Fuel Quality Program Coordinator, participated in the ASTM D.02 meeting held in Phoenix, Arizona during December. Weights & Measures attendees included Winston Sutton, Ron Hayes, and Randy Jennings. One of the highlights, both in and out of meetings, were the D.02.14 Microbial Contamination Working Group discussions. The fuel industry appears to be putting more stock into what Dr. Passman, Howard Chesneau, and Jim Hanson have been preaching for years about microbial "bugs" in retail and wholesale fuel storage systems. Photographs displayed by Dave Barker of Shell Oil presented dramatic evidence of the extensive, and expensive, damage that can be caused by microbial contamination not only to delivery systems (storage tanks, pipelines, fuel dispensers, etc.) but to vehicle engines. Microbial growth in storage tanks and pipelines is a very large issue, but one that weights and measures jurisdictions can address through diligent water-bottom inspections. Although H-130 allows up to 2 inch water bottoms for conventional fuel storage tanks, studies have shown that amounts far less than 2 inches can provides a perfect breeding ground for the microbes.

Inspectors in West Virginia use several methods to determine water bottom measurements. Although the legal method for determining water bottom measurements is stick and paste, we also utilize Scully electronic water finders, as well as an especially designed cylinder called a "bacon bomb" which actually draws a sample of the fuel in the bottom of fuel tanks. After gathering and dealing with these problems for several years, we tend to believe that this aspect of our fuel quality program may be more important in terms of damages to consumers and gas station owners than some other aspects of ASTM specifications, including octane. Based on our findings over the past several years, we would strongly urge all states with a fuel quality program to begin looking at this serious problem.

The Weights & Measures section gathered up all pagers used by inspectors last month, in yet another effort to cut operating costs by the agency. The pagers had allowed inspectors to be quickly contacted to cover complaints or emergency inspections. Inspectors remain equipped with cell phones, although

coverage in some parts of the state is less than ideal due to the mountainous terrain in West Virginia.

Perhaps of all the things relating to the economy in West Virginia during 2003, the one that had the most impact on consumers was the ten week Kroger's strike. Kroger's is the largest retail grocery chain operating in West Virginia with 44 stores located mainly in the southern portion of the state. In many areas the only grocery store was the local Krogers, and when the strike was called and the stores closed, consumers had to make major readjustments in where they did their grocery shopping. In some locales this resulted in having to drive several hours to a smaller supermarket, where they were faced with unfamiliar products and people. A few of the complaints were the large lines due to the smaller stores having fewer checkouts, stores running out of products or not keeping the shelves stocked, dealing with the inexperienced help the stores were forced to hire due to the major increase in customers, and the inevitable complaints of price-gouging. The settlement of the strike just before Christmas certainly relieved the strain and made lots of consumers happy.

A survey of milk sold to county school boards was conducted during October. The survey tested samples of all major milk distributors at local schools across the state. No corrective enforcement actions were taken against any dairy or distributors since the survey revealed no major problems. The results of this survey show steady improvement in the quantity of milk delivered to state schools since the inception of the survey approximately five years ago when inspectors found several cases of short measure milk.

Weights & Measures proposed two changes to our law in this session of the legislature. The first proposal gives the agency the ability to charge for laboratory tests and calibrations. We are most likely one of the last states in the area that does not charge for these services, and as a result our lab is covered up with work from service agencies in neighboring states where they have to pay for calibrations. So far this proposal looks like it may have a chance of passing.

The second proposal dealt with allowing the agency to charge a registration fee for service agencies and agents. This proposal appears to have been lost in the legislative shuffle. We will try this one again next year.

W&M director Karl Angell was appointed last fall by Dennis Erhart to the NCWM Board of Directors at-Large vacancy. He reports that the BOD meetings he has attended so far have been very enlightening and informative, and he is looking forward to playing a small part in the direction of the Conference in the coming two years. ✪

Notice of SWMA Bylaws Change

An item that the Southern Weights and Measures Association Board of Directors will need to consider during the 2004 NCWM Annual meeting concerns a name change for the Administration and Public Affairs (A&P) Committee. The NCWM has changed the name of the conference AP Committee to the Professional Development Committee. To be consistent the NCWM is requesting that all regions duplicate this change with the regional AP Committees. This will require a change in the association's bylaws. The new name for this committee would be the Professional Development Committee. The voting on this change would occur during the 2004 SWMA Annual meeting in October. Plans are that the state of Mississippi will host this meeting.

Amendment to the Southern Weights and Measure Association Bylaws

Article IV-Administration

(To be considered during the 2004 SWMA annual meeting in Mississippi)

Current Wording: Section 5. There shall be a standing committee on Administration and Public Affairs consisting of five members.

Proposed Wording: Section 5. There shall be a standing committee on Professional Development consisting of five members.

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

1001 Mail Service Center

Raleigh, NC 27699-1001

Phone: 919-733-2113 Ext. 223

Fax: 919-733-0026

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: wbrasher@bellsouth.net

SWMA Newsletter
1904 Mission Road
Birmingham, AL 35216
