



Southern Weights & Measures Association

116th Edition

SWMA Newsletter

January 2009

JURISDICTIONAL NEWS

FLORIDA

Florida will host the 2009 Annual Meetings of the SWMA October 4 – 7, 2009, at the Hilton Clearwater Beach. There are two airports that serve Clearwater Beach: Tampa International Airport (TIA) and St. Petersburg/Clearwater International Airport (PIE). Room rates for the SWMA meeting will be \$119/night, and the Board of Directors has set the meeting registration at \$185. For more information contact SWMA President Steve Hadder or Max Gray.

During the first half of FY 2008-09, the Bureau of Weights and Measures conducted tests on 31,978 devices (primarily scales and taximeters) with an overall compliance rate of 92%. Since there are more retail scales tested than any other type device, the overall compliance rate is heavily skewed towards those devices that were found in compliance around 94% of the time. Medium capacity (around 85%), livestock and vehicle scales (75%) tend to have lower compliance rates. The program makes every effort to address the devices with lower compliance, but with those devices requiring special equipment and resources to inspect often the budget somewhat restricts the ability to focus strictly on those areas.

Also during the first half of the fiscal year there were over 100 stores tested for price verification with 10 failing to meet the 98% accuracy standard. Of 7,256 items scanned, 68 (<1%) were overcharge errors and 76 (1.04%) were undercharge errors. In package testing there were 57 lots found in violation of net contents requirements consisting mostly of items prepackaged by grocery stores.

The Metrology Laboratory will maintain its NVLAP recognition for another two years. The on-site assessment was conducted by NVLAP in November.

The Bureau of Petroleum Inspection tested 61,836 retail motor fuel dispensers during the first two quarters of 2008-09 with a compliance rate of 96.8%. ⚡

GEORGIA

Well since the last time Georgia reported about its budget problems we had not yet had any furloughs in Agriculture. Well, that's not the case this time around. The agriculture dept. has had to furlough several times since our last newsletter and it seems that is going to be the norm for the rest of the year and maybe into next budget year. We have been holding on by a shoestring with getting inspections done. We have lost several other inspectors due to retirement or going to private industry. We have regrettable lost one of our Large Scale Inspectors, Perry Edwards due to cancer. Perry had been a state employee for over 39 years. He had worked with the Weights and Measures division for over 25 years. Perry was an inspector and a friend of all who knew him and he will be sorely missed in our Department. Another employee at our Fuel Lab, Jerald Richard also passed away after a battle with multiple illnesses over an extended period of time. Jerald was always our go to guy when we needed something done. Jerald worked with the Department of Agriculture for over 16 years.

We have cut down our travel in state vehicles by 20 percent. Our out of state or out of town travel has been cut to almost nothing or is on an approval bases by the Atlanta office when needed. The little bit of good news for the state of Georgia is that we have received much needed rain in the past few months. Our lake recoveries have been coming up, but are still very low due to the current drought in the area.

The other bit of good news we have stressed to all our employees is that we still have a job. Throughout the state of Georgia there have been over 400,000 people laid off. The drop in fuel prices has helped our inspectors get back to more routine inspections throughout the state. We have been filtering some of

our complaints that has come thru the office to help with our 20 percent reduction in travel to Inspections. The time between our inspections has been lengthen because of the growing amount of new gas stations, more complaints and more of everything else we have to do in our job descriptions.

Our fuel lab and weights lab have one less employee to help with the workload so both have cut-back on such things as samples, taking on more private industry work, and going without replacing worn out equipment. Dale Gann at our Weights Lab said he probably will not be able to send anybody to any of the training this year due to the budget cut-backs this year. Did I mention that the positive thing to all of this negative is that we still have our jobs and a paycheck each month? We have just recently lost another Fuel Calibration Inspector to the private sector because of more money. This is leaving us with just 2 calibration inspectors to cover the entire state. We are now going to a request basis only on our inspections of the airports, oil companies, and terminals until the economy turns around and gets better.

Our legislatures have started back in session to try to figure out this budget mess. We will need to cut about 2.3 Billion, dollars out of the state budget to get back to a balanced figure. The agriculture dept. will likely be cutting about 10 percent out of the 2009 budget this year and maybe more next year.

Georgia had the pleasant task of hosting the Southern Weights and Measures Conference in Atlanta Oct. 2008. We had a very good turn out of both industry and state representation and discussed some very important topics. We had the privilege to have from the National Conference, Chairman Jack Kane of Montana. Jack said he looks forward to working with the SWMA in the New Year and getting lots of good feedback from each state.

With the ever so tightening of all the states budgets the Weights and Measures agencies will have to get very creative with the money they have to get the inspections done. We will need all our employees in the Agriculture Department to pull together to come thru one of the worst recessions of our time. We are still held responsible to do our jobs the best we can. I think that the Fuel and Measures employees will pull together and get through these tough economic times †

MARYLAND

During the past several months the Weights and Measures NTEP Lab and Metrology Lab have experienced a loss of two outstanding personnel. Joseph Hyla who worked in the Metrology Laboratory for 8 years resigned October 7, 2008, to take a position with the Maryland Department of Corrections, Pre Release Unit as a Case Manager. Andrea Buie-Branam who worked as a Field Inspector starting in 1987 and became our NTEP Lab Manager in April 1996 resigned after 21 years on October 21, 2008, to take a position with the Maryland Department of the Environment, Water Control.

Our plan is to fill both positions within the next 60 days.

December 11, 2008, we had our annual Christmas/Holiday staff meeting/luncheon. We invited the retirees and friends of Weights and Measures. This year it also included a retirement party for Susan Runge, Office Supervisor who is retiring January 30, 2009. Sue has attempted to keep the section straight for the past 26 years, she will be greatly missed.

Upcoming events: We are planning a POS Training School for all of our staff on February 4, 5 and 6, 2009. The school will cover one day on site training, one day classroom with manufacturer participation and one day questions and answers.

The following is a list of Maryland firms that were found in violation of Maryland Weights and Measures Laws and were assessed a civil penalty:

- October 7, 2008, MDA received \$750.00 for a civil penalty assessed to Weis Markets #146, Glen Burnie, MD. The civil penalty was assessed for short weight (first civil penalty).
- October 10, 2008, MDA received \$500.00 for a civil penalty assessed to Selectos Latinos, Rockville, MD. The civil penalty was assessed for short weight (first civil penalty).
- October 16, 2008, MDA received \$750.00 for a civil penalty assessed to Giant Food #198, Potomac, MD. The civil penalty was assessed for short weight (first civil penalty).
- October 30, 2008, MDA received \$1,000.00 for a civil penalty assessed to Bloom #2708, Rockville, MD. The civil penalty was assessed for short weight (third civil penalty).

- November 6, 2008, MDA received \$750.00 for a civil penalty assessed to Super Fresh #943, Silver Spring, MD. The civil penalty was assessed for short weight (first civil penalty).
- November 13, 2008, MDA received \$250.00 for a civil penalty assessed to Rockwall Café, Rockville, MD. The civil penalty was assessed for short weight (first civil penalty).
- December 3, 2008, MDA received \$250.00 for a civil penalty assessed to Shalom Strictly Kosher, Inc., Wheaton, MD. The civil penalty was assessed for short weight (first civil penalty).
- December 15, 2008, MDA received \$750.00 for a civil penalty assessed to Giant Food #329, Rockville, MD. The civil penalty was assessed for short weight (first civil penalty).
- December 15, 2008, MDA received \$250.00 for a civil penalty assessed to Weis Markets #119, Mt. Airy, MD. The civil penalty was assessed for price verification (first civil penalty).
- December 17, 2008, MDA received \$500.00 for a civil penalty assessed to McKay's Food & Drug, Lexington Park, MD. The civil penalty was assessed for price verification (first civil penalty)
- January 6, 2009, MDA received \$500.00 for a civil penalty assessed to Giant Eagle #1841, Frederick, MD. The civil penalty was assessed for short weight (first civil penalty).
- January 6, 2009, MDA received \$500.00 for a civil penalty assessed to Shoppers Food Warehouse #2676, Bowie, MD. The civil penalty was assessed for short weight (first civil penalty).
- January 13, 2009, MDA received \$1,000.00 for a civil penalty assessed to Han Ah Reum, Wheaton, MD. The civil penalty was assessed for short weight (second civil penalty).
- January 13, 2009, MDA received \$750.00 for a civil penalty assessed to Restaurant Depot, Baltimore, MD. The civil penalty was assessed for short weight (first civil penalty).
- January 20, 2009, MDA received \$500.00 for a civil penalty assessed to Save A Lot #266, Baltimore, MD. The civil penalty was assessed for short weight (first civil penalty).

NORTH CAROLINA

Measurement Section

The Year 2008 has drawn to a conclusion and we are pretty pleased with what we have accomplished over the course of the year.

2008	Tested	Rejected	Rejection Rate (%)
Retail Motor Fuel Dispensers	102,847	12,184	11.85
Fuel Meters	3,988	675	16.92
Small and Medium Scales	29,926	2,952	9.86
Large Scales	1,504	296	19.68
Price Scanning Systems	2,923	413	14.13
Packages	3,051,283	227,512	7.45
Complaints/ Requests- Total	2,146		
Total Visits	19,441		

Over the last 12 months we've had a couple of our guys move on to other careers. Those positions, along with a new G & O Inspection position, have been filled. Mr. Charles Floyd was hired to fill that new position, which redistributed the workload on 7 other inspectors. With 41 inspectors, 3 area supervisors and the program manager, our Measurement Section staff now numbers 45.

LP-Gas Section

The next cycle of the LP-Gas Code is in process. 104 proposals for changes to the code have been received and will be acted on by the Technical Committee for LP-Gases in March 2009.

North Carolina's LP-Gas Regulations were approved for revision by the Board of Agriculture on November 20. The revisions include a general updating of references, removal of out-of-date information, a new exception to the LP-Gas Code, and the addition of one new reference. The new exception to the LP-Gas Code corrects an error in that code concerning jurisdiction for LP-Gas dispensers at places that also dispense other fuels. The new reference is for NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, so that LP-Gas dispensers used for motor fuel are placed under the proper inspection program. Adoption of the revised regulations has been delayed by the Rules and Review Commission due to a concern with some wording from a previous change and is expected to be resolved shortly.

Changes to the LP-Gas Laws have been submitted to our legal department for preparation of a bill to be submitted to the legislature. These proposed changes correct some issues with imposing civil penalties, raise the amount of liability insurance required, create two classes of LP-Gas dealers instead of the present single class, and add a requirement to report serious accidents to our office.

Motor Fuels Lab

We had 445 consumer complaints on fuel quality in 2008, a slight increase over last year. Approximately 17% of those complaints resulted in actions taken against retailers.

We have added capability to test glycerin content in biodiesel by method D 6584, and FAME content in diesel by FTIR, method D 7371. In addition, equipment has been delivered to the lab to convert two of our octane engines to the falling level method.

Melissa Spencer, our Laboratory Supervisor, was able to attend the December ASTM meeting in Tampa, Florida, which was very informative and productive. If the budget permits, we hope to have a representative at the June meeting in Norfolk, Virginia.

Standards Lab

A Sartorius CCR10-1000 robotic mass comparator was installed at the standards laboratory during the weeks of November 29 and December 6, 2008. It was assembled and operational in the precision mass lab after the first week. Final assembly, troubleshooting, and training were completed during the second week. Richard Gonzales, a metrologist whose Oklahoma laboratory will be installing the same robotic mass comparator system this spring, was present to assist in our installation and to gain insight that will facilitate the Oklahoma installation. Thanks for the help, Richard. We are currently in the testing phase to verify its proper handling of weights and to gather statistical data. The final integration with the ScalesNet32 software is scheduled for the first week in March, 2009. This software will allow the robot to execute user entered weighing designs within its capabilities.

The Laboratory Manager position remains open at this time, however the advertising period closed in early January and we hope to begin interviews soon.†

Contact SWMA

The SWMA Newsletter is published quarterly. Annual dues are \$50. Membership inquiries should be directed to:
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