



Southern Weights & Measures Association

118th Edition

SWMA Newsletter

October 2009

Southern Weights & Measures Association

64th Annual Meeting

Clearwater Beach, FL

The Florida Department of Agriculture, Division of Standards hosted the 64th Annual Meeting, October 4th – October 7th in Clearwater Beach, FL at the Clearwater Beach Hilton Hotel. President Steve Hadder spearheaded the effort, with questionable assistance from Max Gray.

President Hadder was able to schedule the First Annual Clearwater Superboat National Championship and Festival at the Clearwater Beach Hilton to coincide with the SWMA Conference. The estimated crowd of 50,000 at the festival included 83 registered guests from SWMA. Sunday's activities included three qualifying races on the beachfront of the hotel with boats reaching speed in excess of 150 miles per hour, festival activities, and agenda reviews of the Executive, S&T, L&R, and Professional Development (PD) committees.

The Executive, S&T and L&R committees conducted agenda reviews in the designated conference rooms. The PD Committee, which for the first time ever had four designated Chairmen in the absence of their official Chairman, elected to conduct their agenda review under a cabana on the beach near one of the boat racing tents. The PD Committee believes the change in location was quite successful because it is the first time they recall 50,000 people attending an agenda review.

The SWMA meetings follow a format similar to the NCWM meetings with open hearings of the four standing committee agendas held on Monday, October 5. The opening ceremony was on Tuesday, Octo-

ber 6 with Clearwater High School Marine Corps JROTC presenting the colors and an impressive rifle salute demonstration. The welcoming remarks were given by Clearwater Beach City Council Member Carlen Peterson and Florida Agriculture Commissioner Charles Bronson. NCWM Chairman and former SWMA President Randy Jennings gave an update on the NCWM, including an informative presentation on exciting plans for the website. Carol Hockert gave the NIST Weights and Measures Division report and conducted a roundtable discussion on issues important to the Division's future plans to assist weights and measures programs.

On Tuesday afternoon there were presentations on credit card skimmers in gas pumps, the latest information on bio-fuels, and moisture loss in pasta. Also that afternoon was the annual roundtable discussion held by the Scale Manufacturers Association. The conference "outing" was held in the evening on the beachside deck which included an all-you-can-each low country seafood boil. President Hadder arranged for live music provided by recording artist Jimmy Buffet, or at least a local band "Entropics" that sounded a little like him.

The voting session was held on Wednesday morning. Final reports of each committee's agenda will be available soon on the SWMA website. S&T items included the following carryover items from the NCWM S&T agenda: provisions for sealing of electronic adjustable components, software-based -built-for-purpose devices, software identification, zero tracking, temperature compensation for retail motor fuel devices (which SWMA recommended to be withdrawn), and ATC for vehicle tank meters. New S&T agenda items included the hydrogen gas measuring device code, water meter testing, and a pro-

posal about how non-retroactive requirements apply to manufactured devices.

The L&R agenda included carryover items from the NCWM agenda and new proposals regarding the labeling of computer printer ink cartridges, measurement of bagged mulch products, laboratory animal bedding, and moisture loss in pasta.

As part of the Executive Committee's agenda there were amendments made to the SWMA Bylaws, Articles IX and X regarding the responsibilities of the Associate Membership Committee and determining registration fees for the annual meetings.

During the closing ceremonies on October 7, President Steve Hadder thanked everyone for their attendance and participation in making the conference a success. Steve noted that it had been such a rewarding experience that he would graciously volunteer Florida to host the meeting again in the near future, providing Max would serve as President and Steve would do all the work for him this time. Steve passed the president's gavel and 800 pounds of state flags to the 2010 SWMA President Derek Underwood. Derek presented Steve Hadder with a plaque commemorating appreciation of his service to the SWMA as President.

President Underwood then demonstrated his crowd pleasing skills by giving an extremely brief speech and announcing the meeting adjourned.

Steve Hadder and his staff sincerely appreciate everyone that participated in the meetings and gave their support to make the conference successful. Everyone looks forward to the SWMA being in South Carolina in 2010.†

JURISDICTIONAL NEWS

FLORIDA

The 2009 Florida Legislature passed bills that require business owners with commercial weighing and measuring devices (except gas pumps) to purchase a device permit from the Department of Agriculture and Consumers. The cost of permits for retail devices are established in ranges depending on how many devices are located in each establishment. All other devices are charge on a per device basis. No additional positions were included to help implement the new fee system, so the Bureau of Weights and Measures has been extremely busy and keeping up with the additional workload.

The **Bureau of Weights and Measures** during FY 2008-09 conducted over 72,000 inspections and accuracy tests on commercial weighing and measuring devices. Staff ordered 4,812 devices to be corrected because they were found to be out of compliance with adopted standards. Another 2,078 devices were taken immediately out of service because they were found to have excessive errors.

W&M inspectors sampled lots representing more than 146,000 packages. Stop-sale orders were placed on over 26,000 packages that contained less than the stated contents or failed to provide the required information on the label. Many more packages were recalled or relabeled by producers as a result of these inspections. Risk assessment procedures are employed that enable inspectors to more efficiently evaluate packages for compliance and target packages more likely to be in violation.

Inspectors randomly tested 11,727 items for price accuracy in 205 businesses, primarily grocery, department, discount, drug, building supply, and other retail stores. Overall results showed that 1.68 percent scanned at more than the posted price and less than 1 percent scanned at lower than the price advertised. Violations are required to be corrected immediately, and 24 businesses that failed to meet the 98 percent accuracy standard faced additional sanctions and testing.

In the metrology laboratory calibrations and tests were performed on more than 8,190 mass standards as well as 744 test measures. The laboratory maintained its NVLAP accreditation in 2009.

In the Bureau of Petroleum Inspection, inspectors continue to monitor gas stations located on evacuation routes for compliance with the requirement to have electrical transfer switches installed so that alternative power can be supplied in cases of emergencies and natural disasters.

During the 2008/2009 fiscal year 97.2 percent of the samples collected and analyzed from more than 10.4 billion gallons of petroleum fuel distributed throughout Florida met state standards. The Department issued 744 stop-sale orders to prevent the sale of 3,048,662 gallons of substandard or improperly labeled fuel. The quality of gasoline, alternative fuels, kerosene, diesel and fuel oil are determined at Department testing laboratories through analyses of octane rating, distillation, vapor pressure, vapor-liquid ratio, sulfur content, lubricity, oxygenate content,

silver corrosion, alcohol content, fatty acid methyl ester (FAME) percentage, and flash point.

The Department also registered 535 brands of anti-freeze and brake fluid as acceptable products to be marketed in Florida during fiscal year 2008/2009.

There are 9,107 retail gas stations in Florida. During fiscal year 2008/2009, inspectors conducted 223,885 petroleum inspections at both wholesale and retail petroleum facilities across the state. As a result of these inspections 3,962 pumps were cited for improper calibration and 39,445 corrections were issued for other violations. The Department also handled 7,494 petroleum-related and price gouging complaints during the year. Complaints have concentrated on fuel quality, meter accuracy and price. The field staff is charged with responding to these complaints within 24-48 hours. †

GEORGIA

After a while during this year you knew more furlough days were coming and come they did. We in the State of Georgia have averaged at least one furlough day a month. Some agencies have seen two. In the Department of Agriculture we have our days already laid out thru the end of the year. We did not get one for December, as of yet. The numbers of employees that are retiring are starting to real add up. The Department of Agriculture has lost more than 60 employees since the first of the year. That accounts for about 10 percent of our work force. Until this month, we have not been able to hire anybody. Just the bare minimal hiring is allowed for a critical position. I think about six positions in the Dept. have been posted to be filled. Only one in Fuel and Measures for now. Sometimes it looks like our program is held together with duct tape and bale wire. We are managing to get to consumer quality complains and EPA sampling. We are trying to keep up with regular inspections of stations, but are falling behind due to vacancies.

David Au at the Fuel Lab has lost one more employee due to health problems. We have a new employee, Kevin Holt that has started working with us as a Fuel Inspector in the Northwest Ga. Area. We would like to welcome him aboard and good luck with his new job with us.

We would like to congratulate Ron Roberts, fuel inspector on his retirement with over 25 yrs of state

service. We would like to congratulate Earl Dukes, Heavy scale inspector, on his retirement with over 25 yrs of state service also. We will also like to congratulate Harold Shubert, fuel inspector, who will be retiring with over 14 years of service at the end of the month.

Rich Lewis and Marnie Pound recently attended the SWMA meeting in Clearwater, Fl. While Rich Lewis was presiding officer on Monday, Marnie Pounds was filling in as acting chairman for the Professional Development Committee.

The Georgia Gang Fall fishing trip just ended up this holiday weekend. This event is held twice a year where some of the inspectors will go to the Gulf Coast to fish the flats for trout, sea bass, etc. This trip is relaxing and good fellowship for some of our inspectors to spend time off and talk shop with others from different parts of the state. We have in the past had other state Ag. Personnel to join us and we shared some good fellowship as well. †

MARYLAND

Great news, in these budget slashing and recessionary times. We are pleased to announce that we have added three (3) new Field Inspectors to our staff: Elizabeth Koncki, Laurel Conboy and Joe Eccleston. Currently our new employees are being trained on small liquid measuring devices, working outside everyday and enjoying a beautiful Maryland autumn. When bad weather rolls in, they work inside testing random packages. Additionally, we are pleased to welcome Reginald Kennion to our Metrology staff. Reginald has metrology experience working for the state of North Carolina and previously for Norfolk Southern Railroad. Reginald is helping to make our lab fully operational again. For the first time in the past five years, Maryland now has a full Weights and Measures staff.

Thanks to the great work of Ed Payne, Maryland's NTEP Lab is fully operational. Ed Payne handled the challenge very well and has settled into his new position.

Maryland was blessed with a mild summer which brought plenty of rain during our growing season. Unfortunately, this mild weather brought the harmful vomitoxin along with the bountiful harvest. To monitor this harmful fungus, Fusarium head blight, and keep it from human consumption, who do you call? Inspector Aaron Webb our resident expert who

assisted other Maryland Agriculture personnel in collecting grain samples throughout the state. To date, our vomitoxin levels have not reached beyond the critical limits.

Lap top use in the field has been working smoothly. Currently all of our field inspectors can email their timesheets and complaint reports to the office. In turn, they are able to access work email including all relevant memorandums. Staff can now access valuable online research while in the field, such as the Cocs and specific manufacturer websites for models and features.

Short weight packages continue to be a problem for the Package Testing Program. This quarter alone, Maryland has collected \$13,000 in short weight penalties. As a follow up to our special spring project, price verification inspections, Maryland has collected \$4,500 in price verification penalties.

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:

- On July 1, MDA received \$500 for a civil penalty assessed to Advance Auto Parts, California, MD 20619. The civil penalty was assessed for price verification.
- On July 2, MDA received \$750 for a civil penalty assessed for short weight to Bloom #2707, Gaithersburg, MD 20876.
- On July 13, MDA received \$1,000 for a civil penalty assessed for short weight to Harris Teeter, Gaithersburg, MD 20878.
- On July 13, MDA received \$500 for a civil penalty assessed for price verification to CVS #2373, Hyattsville, MD 20789.
- On July 13, MDA received \$1,000 for a civil penalty assessed for short weight to Giant Food #329, Rockville, MD 20850.
- On July 15, MDA received \$1,000 for a civil penalty assessed for short weight to Giant Food #196, Gaithersburg, MD 20879.
- On July 20, MDA received \$500 for a civil penalty assessed for price verification to Advance Auto Parts, Westminster, MD 21157.
- On July 21, MDA received \$500 for a civil penalty assessed to Staples #956, Glen Burnie, MD 21060. The civil penalty was assessed for price verification.
- On July 21, MDA received \$500 for a civil penalty assessed for price verification to Staples, #1222, Nottingham, MD 21236.
- On July 28, MDA received \$500 for a civil penalty assessed for price verification to CVS #1456, Upper Marlboro, MD 20774.
- On July 28, MDA received \$500 for a civil penalty for price verification assessed to CVS #1476, Forestville, MD 20747.
- On July 28, MDA received \$500 for a civil penalty assessed for price verification to CVS #1800, Palmer Park, MD 20765.
- On August 24, MDA received \$500 for a civil penalty assessed for short measure to T & M Mulch, Bel Air, MD 21015.
- On August 26, MDA received \$2,000 for a civil penalty assessed for short weight to Bloom #2708, Rockville, MD 20852.
- On August 31, MDA received \$500 for a civil penalty assessed for short weight to Grand Mart, Gaithersburg, MD 20878.
- On September 9, MDA received \$1,000 for a civil penalty assessed for short weight to Giant Foods #132, Bethesda, MD 20814.
- On September 9, MDA received \$500 for a civil penalty assessed for price verification to K-Mart #3586, California, MD 20619.
- On September 10, MDA received \$1,000 for a civil penalty assessed for short weight to Safeway Store #1089, Gaithersburg, MD 20878.
- On September 10, MDA received \$750 for a civil penalty assessed for short weight to Safeway Store #1715, Rockville, MD 20850.
- On September 10, MDA received \$750 for a civil penalty assessed for short weight to Whole Foods #52, Gaithersburg, MD 20878.

- On September 10, 2009, MDA received \$750 for a civil penalty assessed for short weight to Safeway Store #1315, Rockville, MD 20853.
- On September 18, 2009, MDA received \$2,000 for a civil penalty assessed for short weight to Giant Food #198, Potomac, MD 20854

NORTH CAROLINA

Fall is here, which means the SWMA annual meeting and the NC State Fair in October; fortunately the dates don't overlap this year.

We have a large number of staff involved in the Fair each year, not only staffing the Standards Division booth, but helping out in other department booths and special events as well. The theme for this year is "A Whole Lotta HAPPY." With thousands of people attending this event each year, it is an excellent opportunity to educate a large number of folks on what agriculture really is and what it does for them - plus they get to have a great time at the Fair. It is also a good time to showcase who and what the Standards Division is and that we are out there to protect and serve the consumer. We will have our booth set up to give customers their weight for free, as we do every year, and our fair booth committee concentrated on displays that would answer questions concerning ethanol in gasoline and lottery balls.

A state budget was finally approved in August, but to date we still have no numbers in our budget reports. This means many plans for equipment and travel are on hold for the moment. Much will also depend on the revenue collected by the state this year, which could make for an interesting spring with regards to spending (or not) again this spring.

LP-Gas Section

Our LP-Gas Engineer participated in the NPGA Technology, Standards, and Safety Committee meeting in St. Louis in September 2009. One item to note from this meeting is that there is a docket that is looking at changing NIST Handbook 44 and/or 105 to allow putting an LP-Gas meter back into service after being calibrated by a master meter. There was a conference call between the involved task force and NIST personnel on 9/18/09 to discuss what would be needed to propose a change to the handbooks.

Richard also participated in some LP-Gas industry training classes on the requirements for installing and maintaining underground propane tanks and on

requalifying propane cylinders, both those in stationary service and grill cylinders.

The Propane Gas Road Show made a stop in North Carolina at the State Fairgrounds in August. We had representatives there to learn about the innovations being made and how they might affect our inspection activities.

The Technical Committee for LP-Gases will be meeting in October to take action on comments received on their actions on proposals. A new edition of the LP-gas Code is due late next year.

Motor Fuels Section

Our inspectors have found several cases of phase separation in recent weeks. A large number of stations have recently converted to E10. NC stops sales of product if any amount of phase separation is found in the tank. Keeping water out of the storage tanks to avoid this issue continues to be the main problem. In many cases the water was not removed prior to the first E10 delivery

Standards Laboratory

We successfully completed our STAR audit and will be the third site and second laboratory in NCDA&CS to be recognized as a NC STAR Public Sector Site. Our laboratory management and staff have long established a strong safety program and have demonstrated a commitment for continuous improvements. Our planning committee is busily preparing for the awards celebration: awaiting additional flag poles, selecting a nutritious menu and creating the program for the ceremony to be held at the Standards Laboratory on November 17, 2009. A lot of distinguished guest will be in attendance including NCDA&CS Commissioner Steve Troxler. NC Department of Labor Commissioner Cherie Berry will be the keynote speaker and present our award, a purple and gold flag.

We are also preparing for our NVLAP accreditation audit scheduled for November 3 – 5, 2009. Our quality manager, Cliff Murray, has done a great job preparing the staff for this audit.

We are working on the validation of both Scalesnet32 software and the Sartorius Robotic system. Tal Anderson has worked endlessly troubleshooting problems and situations that at times seem hideous. Our goal in 2010 is to present a workable system for our customers.

It's going to be a busy time of the year for our grain moisture section. We are in the process of completing our 2009 corn harvest and our field inspectors reported that farmers are starting to cut early variety soybeans. JD Ambrose, our eastern territory inspector, has seen a rise in milo (grain sorghum) production in the northeastern part of the state for the first time since the grain moisture program began. We have decided to harvest a small amount of milo for the 2009-2010 inspection season.

Measurement Section

Fall of the year is upon us once again. Cotton, tobacco, livestock, grain and peanut scales have occupied a lot of our time recently, but it is Fall and that's when the crops "roll in" and remember we are "The Department of Agriculture" and it's our duty to see that the farmers, as well as the consumers, are protected as these scales represent a large portion of their income and work effort for the entire year.

The NC Western State Fair was held in September and required many hours of our time in assisting The NC Department of Agriculture and Consumer Services to help carry out this event. Gerald Brown (our Western Area Supervisor) and his staff of inspectors again took on full responsibility of preparing and setting up our exhibit at the NC Western State Fair. This year they teamed up with the Markets Division and, from what I hear, did a great job. In fact they won a blue ribbon for "Best Non-Commercial Booth" for the second year in a row. Last year Gerald and his guys won it by themselves, maybe that's why Marketing asked if we wanted to team up this year.

With all this attention required for other things, we still must keep our regular inspection duties going. Great care is taken to see that all concerns and requests are handled or investigated within 24 hours if at all possible. Our regular duties are our top priority and must still be carried on. ☩

Contact SWMA

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