



Southern Weights & Measures Association

135th Edition

SWMA Newsletter

January 2014

JURISDICTIONAL NEWS GEORGIA

We are pleased to announce that everything is currently running very smoothly at the Georgia Department of Agriculture's Fuel & Measure Division. We hope that everyone in the SWMA had a Merry Christmas and a Happy New Year. We are looking forward to 2014 and all of the challenges that go along with it.

We have been very fortunate to receive several new trucks into our fleet. Some of our old trucks were pushing 200,000 miles. We also recently purchased several five gallon DEF provers. Our high speed truck stop inspectors will be putting these into use. We also recently purchased equipment to test CNG meters. We are starting to see an increase of them in the state.

We have had a number of new inspectors to come onboard with us in the past couple of months. We are currently operating with a full staff, which has not been the case in sometime. Two of our long time inspectors recently retired. Weights & Measures Inspectors Alex Bassett and Kenneth Tucker will be greatly missed and we wish them a long and happy retirement. Speaking of

retirements, we want to wish our friend Max Gray a wonderful retirement.

Doug Killingsworth and Rich Lewis will be attending the NCWM Interim meeting in Albuquerque, NM in January. Rich is serving on the L & R Committee and is looking forward to some lively discussions this year.

Congratulations to our Asst. Director Doug Killingsworth on the birth of his granddaughter. Audrey Grace Killingsworth was born on New Year's Eve and weighed 7 pounds. Congratulations to the Killingsworth's.

Every year the Fuel & Measures Division gives an employee of the year award called the Golden Drake Award. This year's winner was Kevin Woods. Kevin is a Fuel Inspector in the Northeast Georgia mountain area. Kevin has been with the Division since 1989 and is an exemplary member of our staff. Congratulations Kevin.

MARYLAND

Big news from the Maryland Department of Agriculture (MDA) this quarter: William Hall, Ag Inspector Advanced, announced his retirement. Bill has served only 34 years with the program. We can barely understand how he can be leaving so soon. Bill epitomized the highest standard of service to MDA and the citizens of Maryland in ensuring equity and fairness in the marketplace. We wish Bill all the best in his future endeavors.



In other staffing news, MDA has had several new hires. Joe Eccleston, a member of the Weight and Measures field staff, accepted the position of Assistant Chief. MDA also welcomed Dan Huff and

Tong Hsu as new field inspectors on December 2. Within three days, they were working in the field with their trainers in the chilly weather. MDA is continuing the process to hire three field inspectors. The field inspectors MDA hired in March survived their probation periods and are now thriving. As the holidays came around, MDA wrapped up its annual testing of propane delivery trucks and home heating oil trucks.



MDA's new truck for testing large scales, which replaced a 1989 tractor-trailer, arrived in November to a thankful staff! This shorter, straight-body truck will help the program be more efficient in inspecting and regulating large scales.

In December, MDA continued its ongoing training. The staff learned the 2014 revisions of the NIST HB 44. Staff also learned how to enforce a new state regulation, which requires sellers of agricultural products to indicate which state the item originated before advertising it as "locally grown." The next staff training session will be in February.

Maryland Weights and Measures staff continues package testing and price verification activities. The following enforcement actions have been taken against violators:

- On December 9, 2013, the Maryland Department of Agriculture (MDA) received \$1,500 for a civil penalty assessed for short weight packages to Wegmans, Columbia, MD 21045
- On December 10, 2013, the Maryland Department of Agriculture (MDA) received \$750 for a civil penalty assessed for short weight packages to Grand Mart, Landover, MD 20784.
- On January 3, 2014, the Maryland Department of Agriculture (MDA) received \$ 1,000 for a civil penalty assessed for short weight packages to Giant Food, Bethesda, MD 20814.

MISSISSIPPI

The Department continues to upgrade and replace equipment needed for each inspector to carry out his or her duties in their respective division. Each division director knows how important it is for all equipment used be kept up to date and in proper working condition. Our inspectors use this equipment to facilitate a fair market place for the consumer.

Consumer Protection Division

The Consumer Protection Division has recently invested in a new van, new Class F weight kits, and new utility carts to supplement new laptops and updated WinWam software, both of which were upgraded last summer. This combination of software and tools allows Inspectors to more accurately and efficiently perform inspections relating to sanitation, package checking, UPC/price verifications, and scales.

Over the Thanksgiving and Christmas holidays, Consumer Protection Inspectors tested 930 lots (each lot consisting of 6-12 randomly selected commodities) of turkeys and hams for weight and

price accuracy using scales, laptops, and software provided by the Department. Of those 930 lots, 90 had unreasonable variations, requiring reweighing and re-pricing, for a total passage rate of 90%.

Petroleum Division



The petroleum division has filled a position vacated by the promotion of Clay Hammons to supervisor. Brandon Thornton, hired October, 2013 will cover the east central area of the state, from central Mississippi to the Alabama line including Lauderdale County and the Meridian area.

Recently promoted, Clay Hammons attended a week long Basic Supervisor course offered through the MS State Personnel Board. Inspectors Mike Kusch and Scotty Deare are new members of NCWM and hope to obtain National Certification in the category of Retail Motor Fuel Dispensing Systems along with Clay Hammons this fiscal year.

The petroleum division has purchased (25) Seraphin hand held test measures. It is becoming more and more difficult to repair leaking cans and obtain the necessary parts to keep them in good working order. The new cans will be a tremendous help to inspectors along with the slide-in units.

In administrative news for the division, nearly \$7,000 in penalties and fees has been collected for product failure.

Weights and Measures Division

Weights and Measures officials answer the call. A complaint came into the office, regarding short-weight whole corn distributed by a home improvement store. Upon checking the South Mississippi stores, the corn was in fact, found to be short of its stated weight, and past it's allowed

tolerance. During the "Category A" Inspection, the corn was determined to be in a state of decay, with mold and weevils present. The corn was given an Official Stop Sale Order and was furthermore deemed that it should be destroyed, rather than sold at a reduced price.

Through the combined efforts of Mississippi Department of Agriculture and Commerce's Weights and Measures Division, the consumer is protected, yet again, to ensure that commerce continues to flow freely and abundantly in our great state.

The Weights and Measures Division has purchased:

- 6 new 30 lb. weights kits for testing scales at co-ops, hardware stores, candy stores, produce stands, seafood markets, restaurants and processing plants.
- 4 new precision weights kits for testing precious metals in pawn shops and gold buyers.
- 6 new scales for check weighing catfish and feed.



Will McNeese W&M Inspector with reject corn for short weight.



W&M inspector Gary Smith with new scale for weighing catfish and feed.



W&M inspector Gary Smith with reject corn for short weight.



Connie Braswell, Division Director W&M & Michael Blackwell, inspector W&M examine new precision weight kit.

NORTH CAROLINA

Motor Fuels Section

The Motor Fuels Section issued a stop sales order for Everclear Bottled Motor Oil and ATF. Of 96 Motor Oil Samples tested, only one met the respective kinematic viscosity requirement. None of the 12 ATF samples tested met any recognized specifications. In addition to failing to meet viscosity requirements, the Everclear Motor Oil bottles were labeled with obsolete API service categories but did not include the required cautionary statement. Further information regarding the recall can be found on the NCDA & CS website

<http://www.ncagr.gov/paffairs/everclearmotoroil.htm>.

Art Rupard

Measurement Section

We have had several changes in staff since September. James Varble and Tommy Sides have been hired to replace Reggie Shuford and Dean Troutman on our Heavy Scale Test Trucks. Reggie and Dean retired this past year. These test units are primarily used to test vehicle, livestock, hopper, and other large capacity scales. Another of our Heavy Scale Inspectors, Lang Bailey, retired effective January 1, 2014. We are hoping to have a replacement for him soon. Glen Farmer is the only seasoned Heavy Scale Inspector we have left and it is his responsibility to train all these guys. All I can say is "Patience, Glen, patience".

Ben Foster will be starting January 13, 2014 as a Standards II Retail Weights and Measures Inspector. He will replace Ronnie Abbott who retired November 1, 2013. Also Eddie Holt, one of our Calibrators, retired January 1, 2014 and we hope to fill his position soon.

All in all not a bad year production wise considering all the retirements, replacements, promotions and surgical procedures we have experienced this year.

| 2013 Inspections | Tested | Rejected | Rejection Rate (%) |
|------------------------------|-----------|----------|--------------------|
| Retail Motor Fuel Dispensers | 109,149 | 15,147 | 13.88 |
| Fuel Meters | 3,772 | 536 | 14.21 |
| Small and Medium Scales | 29,906 | 2,814 | 9.41 |
| Large Scales | 1,473 | 234 | 15.89 |
| Total Scales | 31,379 | 3,048 | 9.71 |
| Price Scanning Systems | 2,517 | 137 | 5.44 |
| Packages | 5,088,282 | 74,542 | 1.46 |
| Civil Penalties collected | \$29,785 | 1,880 | |
| Complaints/ Requests- Total | 1,880 | | |
| Total Visits | 17,041 | | |

Jerry Butler

Standards Laboratory

The last quarter of the year is usually a slow time for Standards Laboratory. This was the first year we did not go out in the field to calibrate 5 gallon test measures. All test measures were calibrated in our laboratory using SOP 19. We started this process on October 1st and ended on December 31st. Customers had to make an appointment to bring their test measure(s) in or either have it/them shipped in on the designated date. We calibrated over three hundred 5 gallon test measures, which was a little down from the previous years

In November we completed and submitted to NIST the paperwork to maintain recognition as an accredited state laboratory, which we recently received in the mail.

In December our senior metrologist, Van Hyder, was appointed chairman for NCSLI's Legal Metrology committee. This committee works to provide training, information and a forum for discussion on topics concerning Legal Metrology issues for testing and calibration laboratories.

The grain moisture program ended the 2013 harvest with a good soybean crop. While finding crop samples for the 2014 inspection year was difficult, we were able to find enough adequate samples of all crops being tested. We look forward to the beginning of the new inspection year.

Sharon Woodard

LP-Gas Section

With the automatic adoption of the 2014 edition of the *LP-Gas Code*, all of the inspection forms had to be revised, both the paper versions used frequently by inspectors in the field and in the online database that generates warning and penalty letters.

This update to the forms and the database was accomplished in-house by our division programmer and by programmers in the Emergency Programs Division.

With a review of chapter 9 of the *LP-Gas Code* and a consultation with our legal staff, we determined that there are additional truck inspection items that fall under our jurisdiction. These items were included in the above updating and programming, so they are now included in the warning and penalty process.

The conversion to Toughpads from Toughbooks was completed when all of the Toughbooks were turned in. Since then, a few shortcomings of the tablets have been identified. Sometimes, these have to do with the units being an Android operating system rather than Windows. Still, they are better suited to field use than were the Toughbooks.

Richard Fredenburg

Contact SWMA: The SWMA Newsletter is published quarterly. Annual dues are \$50. 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: 919-707-3031 Fax: 919-715-0026 E-Mail: David.Smith@ncagr.gov www.swma.org News may be submitted to: SWNA, 1904 Mission Road, Birmingham, AL 35216 E-mail: wdbrasher@charter.net

SWMA Newsletter
1904 Mission Road
Birmingham, AL 35216