

Southern Weights & Measures Association

72nd Edition

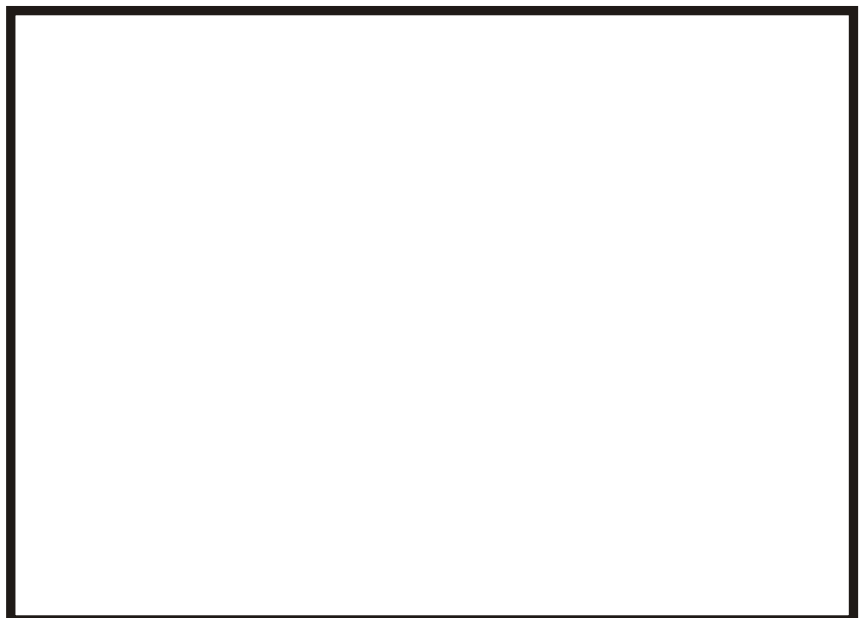
SWMA Newsletter

January 1998



**Mike Hile passes the gavel
to the new SWMA
President, Ronnie Harrell**

**President Ronnie Harrell,
center, with Past President
Mike Hile on the right and
President Elect Steadman
Hollis on the left.**



President's Message

As president of the Southern Weights and Measures Association for 1998, I would like to express my appreciation to each and every one of you for allowing me to serve in this capacity.

The professionalism and leadership demonstrated by SWMA in recent years have been exemplary. I hope to be able to continue the fine tradition that other states have shown at previous SWMA Conferences.

Tentatively, the 1998 conference will be held in LaFayette, Louisiana. I will submit details in the next issue after all arrangements have been finalized.

I would also like to take this opportunity to thank Mike Hile and his staff for an outstanding and very productive conference in Hot Springs, Arkansas.

As we enter 1998, I wish all SWMA members and their families a very Merry Christmas and Happy New Year!

Ronnie Harrell

Dear Southern Members

It was a real pleasure to have you in Hot Springs for the 52nd Annual Southern Weights and Measures Association Conference. We hope you enjoyed your stay at the Arlington and also accomplished your goals during the committee meetings and general sessions of the Conference. Our staff thoroughly enjoyed trying to make your visit to Arkansas an enjoyable and productive experience.

Our newly elected Secretary-Treasurer, David Smith, asked me to include some of the attendance figures at the meeting. There were 150 people who pre-registered or registered at the conference. The final count included 136 members, guests and retirees. There were 94 rooms occupied at the Arlington by conference attendees, and the outing at Cajun Boilers and the Music Mountain Jamboree was attended by 110 people.

There were many people who helped in organizing the SWMA conference this year. The willingness with which each jurisdiction stepped forward to accept an assignment and help make the conference successful was a pleasantly refreshing experience. A debt of gratitude is owed to officers for keeping the meeting on schedule and to the SWMA officers for their ongoing contributions.

I would also like to take this opportunity to thank all the southern members for electing me President of the Asso-

ciation this past year and for allowing Arkansas to host the Southern Weights and Measures Conference. It was a wonderful experience getting to meet new people and visit with old friends. Next time you visit Arkansas, come by and see us! We consider you part of our extended family!

Sincerely,
James M. Hile

Jurisdictional News

Arkansas

The fall months were certainly a very busy time at the Bureau with the completion of the laboratory construction and renovation project bringing a lot of cleanup responsibilities. Several weeks of moving furniture and equipment around, taking worn out furniture and equipment to the State Marketing and Redistribution Center and cleaning existing furniture and equipment was undertaken.

On September 19, all of the cleaning temporarily came to a halt as we hosted an open house for members of the Plant Board, management and other invited guests. A luncheon at the Bureau was followed by a guided tour of the laboratories and the newly renovated sections. Demonstrations of the specialized testing units and other weights and measures equipment was carried out by Bureau personnel. Literature was also available explaining the regulatory programs of the Bureau.

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Preparations for the 52nd Annual Southern Weights and Measures Conference were also accelerated during this time. Considering all of the extra activity, we are still several weeks away from having all of our laboratory equipment retested and calibrated and being fully operational.

Our sincere thanks to each of you for your participation and help in making a productive Conference in Hot Springs. The 1997 Southern Weights and Measures Association Conference is now history, but we hope it will be remembered as successful and with pleasure by those who came to Hot Springs. There were 150 registrations, the attendance at the sessions was excellent, and approximately 110 delegates and guests were on hand for the Outing. We hope everyone enjoyed these events, as well as the hospitality and social events each evening during the Conference. We in Arkansas certainly enjoyed having you and hope you were made to feel welcome. Please let us know when you are coming to Arkansas in the future and we will do our best to assist you in any way we can. ✚

Florida

The Bureau of Weights and Measures conducted a holiday season scanning program focusing on sale items during the second week of December. While there were isolated instances of overcharging for items on sale, overall results showed that the majority of errors found were in the customer's favor. A further analysis revealed that the sale items scanned actually had fewer errors than the regularly priced items. In a two day period, 71 stores were inspected, 3550 items were scanned with 22 overcharges and 77 undercharges. Sale items scanned at 97.6% accuracy rate and regularly priced items scanned at 95.8% accuracy.

The Bureau of Petroleum Inspection conducted a holiday weekend survey of octane compliance on Saturday, November 29. Seventeen inspectors sampled 413 brands and submitted them to the lab for testing. Of the 413, two were found not to comply with the posted octane levels.

Weights and Measures and Petroleum Inspection have been assisting the Consumer Product Safety Commission in inspecting stores for recalled toys, children's clothing, furniture and household products containing dangerous chemicals and agents. Inspectors have also assisted the Bureau of Motor Vehicles in inspecting repair shops for compliance with state laws.

NIST officials Ken Butcher and Tom Coleman visited Florida the first week in December to meet with mulch packagers and members of the sponge and chamois industry concerning problems with packaging and testing these products. Florida officials accompanied them and assisted in demonstrating the current mulch testing procedures and developing data to be used in addressing concerns before the NCWM Laws and Regulations Committee.

Jack and Max extend a special thanks and congratulations to Mike Hile and the Arkansas staff for hosting a great annual meeting. Another big thank you to Tom Kirby for all that he did in promoting the SWMA and keeping everyone in touch as Editor of the newsletter. ✚

Georgia

Bill Truby and Jerry Flanders attended the SWMA Conference in Hot Springs. Mike Hile and his entire staff did a super job of hosting an enjoyable meeting and productive business session.

Fuel Lab Director Curt Williams attended the ASTM D-2 Committee meeting in San Antonio, Texas in early December.

Administrative actions were brought against three major petroleum companies for not maintaining their retail pumps in proper calibration. Amoco Oil Company was fined \$122,200 based on regulatory inspections citing over-registration by 331 of 357 meters at 13 stations. QuikTrip, with 89 of 92 pumps short measuring at three stations was fined \$32,800 and two Texaco stations with 79 of 84 pumps over-registering was assessed \$29,000 ✚

Kentucky

Hope that all of you have had a happy holiday season.

The tobacco marketing season is in full swing in Kentucky. We have inspected close to 200 tobacco warehouses and receiving stations this fall. Sales are under way at this time and inspectors are doing check weighing in the houses now.

Our Motor Fuel Quality Program has recently ordered two more portable octane analyzer. With the portable analyzer, we can do screening of all grades offered for

sale at a station. Any product found to be suspect is then sent to the laboratory for further analysis.

Michael Baker is our newest employee in the division of Regulation & Inspection. Michael is working in the metrology laboratory and is also assisting inspectors in the field. He is scheduled to attend the Basic Metrology seminar this spring.

We recently received a new LP prover system. The system consists of a trailer mounted 100 gallon and 20 gallon prover. We now have two units to cover the state.

We have received funding for the purchase of a 5 KG balance for the metrology lab and scales for the package inspection program. Hopefully, we will have these items sometime this spring. †

Louisiana

Louisiana implemented a price verification program in April of 1997 under the supervision of Program Manager Ike Lawson. As expected, we encountered much resistance at the inception of the program. After numerous phone calls and complaints from many businesses, things have smoothed out, somewhat. A year-end review of overall accuracy reflects overcharges at 35%, undercharges at 38% and price not displayed at 27%.

We are in the process of training our personal in category "A" package inspections under the supervision of Regional Enforcement Supervisor, Danny McCartney. Presently, we are concentrating on milk, feed and holiday items. The rejection rate thus far is approximately 10%.

Our inspectors have inspected 2000 taxi cabs statewide for meter accuracy in 1997. The rejection rate is 15% at this time.

The Louisiana Weights and Measures Commission held two Hearings in 1997. Total fines levied at these proceedings amounted to \$10,500. The violations were for Labeling and Short-Weight infractions †

Maryland

We would like to express our appreciation to Tom Kirby for his many years of devoted service as editor of the Southern Weights & Measures Association Newsletter, and we wish him and his wife well.

On September 12, 1997, thirteen representatives of the China State Bureau of Technical Supervision (CSBTS), The People's Republic of China, visited the Maryland

Weights and Measures Section and were given a tour of our facility and laboratories.

Program Manager Bob Eaves acted as host for our section; Metrologist Steve Barry and NTEP Program Manager Andrea Buie-Branam conducted tours of the laboratories.

The visitors were very impressed with our facility and laboratories and asked many questions concerning the role of our weights and measures section and NIST in the inspection and testing of weighing and measuring devices and packaged commodities.

Mulch manufacturers are now packaging and storing mulch for next spring's deliveries. On October 7, 1997, we performed an inspection of mulch at Maryland's only mulch manufacturer. We were pleased that all lots inspected were approved. We plan to perform another inspection at the plant during late winter prior to the spring deliveries.

Recent Civil Penalties

On September 16, 1997, we received payment of \$1,000 for a civil penalty assessed against Super Fresh #812, Baltimore, MD. The civil penalty was assessed due to Short-Weight violations found during routine package inspections performed at the store.

On September 19, 1997, we received payment of \$800 for a civil penalty assessed against McKay's Food & Drug, Lexington Park, MD. The civil penalty was assessed due to Short-Weight violations found during routine package inspections performed at the store.

On November 5, 1997, we received payment of \$500 for a civil penalty assessed against Fresh Fields Market, Annapolis, MD. The civil penalty was assessed due to Short-Weight violations found during a routine package inspection performed at the store. This firm had been assessed another civil penalty in the amount of \$750 which was paid in July 16, 1997 for Short-Weight violations found during previous package inspections performed at the store.

On November 13, 1997, we received payment of \$600 for a civil penalty assessed against Embassy Dairy, Inc., Waldorf, MD. The civil penalty was assessed due to Short-Measure violations found during routine package inspections performed at the dairy.

Chief Lou Straub and Program Managers Dick Shockley and Will Wotthlie attended the 52nd Annual Southern

Weights & Measures Association Conference held in Hot Springs, Arkansas during October 26-29, 1997.

We have received numerous firewood complaints this winter. We have managed to resolve most of the complaints, but will probably have to file criminal charges against some firewood dealers to gain compliance.

Program Manager Bob Eaves and Inspector Mike Frailer participated in the National Bark & Soil Producers Association Product Labeling & Weights and Measures Workshop held at the Marriott Hotel Inner Harbor, Baltimore, MD on December 8 & 9, 1997. Ken Butcher and Tom Coleman of NIST were instructors at the workshop. The workshop was very informative and it is interesting to note that the National Bark & Soil Producers Association endorses the current method in NIST Handbook 133 for inspection of mulch.

On December 11, 1997, we had a staff meeting at our facility in Annapolis, complete with a hamburger, hot dog & chicken cook-out for lunch, which was enjoyed by all. Chief Lou Straub and Program manager Will Wotthlie were the chefs and did an excellent job. A highlight of the meeting was the presentation of Certificates of Appreciation Awards to staff members. We honor the employees who inspect the highest number of devices, and also the employees who have the highest overall production rating during each month, six month and twelve month period. The recipient of the monthly award in each category receives a Certificate of Appreciation, and the recipient of the six month and twelve month awards in each category receives an Award Day off in addition to a framed Certificate of Appreciation. The employees who received awards are as follows:

Period	Highest Number Of Devices	Highest Overall Production Rating
Jun 97	Bob Fisher	John Barton
Jul 97	Mark Lambert	Mark Lambert
Aug 97	Mark Lambert	Lisa Griffith
Sep 97	Aaron Webb	Ed Santana
Oct 97	Barbara Miller	Chuck Coleman
Nov 97	Mike Frailer	Mike Frailer
Jun-Nov 97	Mike Frailer	Barbara Miller

Maryland Department of Agriculture Secretary Lewis R. Riley has announced his retirement effective January 1, 1998. Secretary Riley's wife, Ginny, is in failing health,

and he has resigned to be able to spend more time with her.

Secretary Riley has been an ardent supporter of the Weights and Measures Section, and we will miss him. During our December 11, 1997 staff meeting, Chief Lou Straub presented Secretary Riley with an engraved certified 2 pound test weight (complete with Report of Test)

Maryland Dept. Of Agriculture Deputy Secretary Dr. Henry Virts has been selected to succeed Mr. Riley.

Program Manager Will Wotthlie and Inspector Mike Frailer completed the Retail Computing Scale Instructor Training Course (Course #207), at NIST during October 19-24, 1997.

Field Supervisor Ed Payne completed the NTEP Instructors Training Course (Course #501), at NIST during December 2-5, 1997. On December 4, 1997, the class toured the NTEP laboratories at our facility. †

MISSISSIPPI

Bureau of Regulatory Services Director Joe Hardy had the pleasure of visiting with our new newsletter editor Bill Brasher recently while Bill was in the state for the purpose of testing a belt-conveyor scale. Bill shared his plans for the newsletter and it appears that as a result of his experience, expertise and the technology available to him, we will have a first class publication. While we appreciate Tom's efforts over the years and will always be grateful and appreciative to him (particularly since Tom and the director are of the same vintage) we certainly wish Bill the best as he assumes this task.

Consumer Protection Division: The Consumer Protection Division has recently acquired the part time services of an additional cross utilized employee. The individual was formally an inspector in this division but is currently assigned to the Meat Inspection Division. He will be utilized in weights and measures field inspection work, as well as other division inspection responsibilities. This is another phase of our departmental reorganization which has resulted in the Division gaining the services of two field inspectors cross utilized with other divisions and brings our field force to 10 full time and two part time inspectors.

We have recently received the remainder of the vans for our field personnel. The 1997 Ford Wind Stars replaces Chevrolet S-10 pickups which had from 120,000 to 200,000 miles on them.

The division's administrative personnel have recently completed computer training and the computer system is

now up and running. We feel that with this system we will have a better tracking mechanism to monitor division inspection activities, as well as being more efficient in other division activities.

Petroleum Products Inspection Division: The Petroleum Products Inspection Division has received the last three of its new F150 Ford pickup replacements.

In an attempt to overcome the problem of returning product to above ground storage tanks, all pickups have been equipped with auxiliary pumps. Inspectors report that the pumps have made the job much easier and it is felt that the number of back problem complaints should be reduced. "Buggies" or "carts" designed to transport three provers have been purchased and supplied to each inspector. Use of these carts will allow our inspectors to test three pumps before returning product to the storage tanks.

The Division Director and a field supervisor recently visited North Carolina and spent a day observing the operation of one of their pump calibration trucks and discussing inspection procedures. We are most appreciative for the time and hospitality of the North Carolina petroleum folks.

Since the last newsletter the Division has assessed only one civil penalty against a distributor for violation of the statute. The \$1,000 penalty is currently on appeal.

Weights and Measures Division: About seven months ago, a one year leave of absence was granted to State Metrologist Kelvin Boone to allow him the opportunity to complete the on campus requirement for his doctorate. Following his departure, we continued to progress quite well with Assistant State Metrologist Lionel Wilson handling the day to day operation of the Laboratory. However, it all came to an abrupt halt when industry entered the picture with an offer Lionel couldn't refuse and we were left holding the bag or at least a laboratory with no trained metrologist. In the latter part of September we employed Ms. Ena Gustavis to fill the slot vacated by Mr. Wilson. She was immediately sent to a basic metrology training course which was conducted in the North Carolina Lab. Following completion of the course, she was sent to Oklahoma for a week to complete work on the required laboratory problems and to try to gain some experience under the tutelage of the Oklahoma lab staff. We are certainly indebted to L. F. Eason and Ken Fraley for extending a helping hand.

Receipt of our five heavy test trucks which were scheduled for delivery around the end of November has been delayed. However, Cargo Tech assures us that delivery

will begin around December 15th, with the last truck delivered no later than January 15th.

John Tillson, Director, Consumer Protection Division and Russell Robbins, Weights and Measures Division will represent Mississippi at the Interim Conference in San Antonio in January.

For those who wish to contact the various divisions of the Bureau, please make note that the new telephone numbers and e-mail addresses:

Mississippi Dept. of Agriculture and Commerce

Dr. Lester Spell, Jr., D.V.M., Commissioner
(601) 359-1100
FAX: (601) 354-6290
E-Mail: spell@mdac.state.ms.us

Bureau of Regulatory Services

Joe Hardy, Director
(601) 359-1111
FAX: (601) 354-6502
E-Mail: joe@mdac.state.ms.us

Consumer Protection Division

John Tillson, Director
(601) 359-1148
FAX: (601) 354-6502
E-Mail: johnt@mdac.state.ms.us

Grain Inspection and Weighing Division

Ralph Howell, Director - (601) 947-4095

Meat Inspection Division

Dr. Robert West, Director - (601) 359-1191
FAX: (601) 354-6502
E-Mail: robertw@mdac.state.ms.us

Petroleum Inspection Division

Robert Louys, Director - (601) 359-1101
FAX: (601) 354-6502
E-Mail: robert@mdac.state.ms.us

Weights and Measures Division

Bill Eldridge, Director - (601) 359-1149
FAX: (601) 354-6502
E-Mail: bille@mdac.state.ms.us

We wish all of you a prosperous and safe New Year. 🍀

NORTH CAROLINA

It seems that everything has to be completed by the end of the year. Our large capacity scale inspectors are hustling in hopes of testing all scales in their territories before 1998 arrives. Given the difficulties we have experienced this year with truck problems, it's a wonder our folks are even close to getting everything inspected. Retail inspectors are busy with net contents testing of seasonal items like hams and turkeys. We have asked them to curtail price scanning inspections during this time of heavy shopping. It seems the stores don't like for us to occupy a register when each check-out line is 15 shoppers deep. We also need a few days of good weather so we can complete inspections of underground storage tanks and Stage I vapor return systems at service stations.

In 1997, the measurement section folks were very busy inspecting price scanning systems for accuracy. During the year, five civil penalties were issued and based upon the initial inspections in previously lightly inspected industries, 1998 may be a busy year in the price verification area.

We are making plans for the Interim Meeting. We have just completed a video showing how the horizontal bark mulch container compares to the vertical one. Quite frankly, we don't see that it makes much difference which container is used. Weights and Measures officials and industry should settle on one type and then get on with the program. We recommend that states visit a bark mulch bagging plant to learn first-hand about the many problems associated with ensuring that the correct volume of bark gets into the package. Heck, you will probably be able to offer the packer a few quality assurance tips.

Doesn't anybody want to be a metrologist? LF is still interviewing folks for a vacant position. It seems we offer the position and the new employee is on the job for a few days when he or she is offered a better position. During the past six months LF has hired six people to fill three vacant positions. Under the "when it rains it pours theme," we have also lost our laboratory helper. Yes, LF is interviewing for that position too. We owe Van a big "thank you" for the heavy load he has been pulling for several months. There is no substitute for experience; so Van has been doing double duty while our new employees are learning the trade. By the way, Van will need more than thanks in a few weeks when he becomes a father. Congratulations are in order.

LF attended parts of the SWAP and MidMAP meetings to assist Georgia Harris. It's always interesting to look at other programs to see what we can learn from them.

There is always more that could be done and it's nice to be able to copy the good ideas already implemented by others.

A brief fuel quality report is in order. David Smith has been re-elected to another two-year term as chairman of ASTM Committee D02 on Petroleum Products and Lubricants. At the completion of this term, David will have served as chairman of the committee for six years. He is glad to see other Weights and Measures folks getting involved in ASTM and fuel quality issues. Representatives from the states of Tennessee, Mississippi, Maryland, Georgia, Missouri, California, and Nevada have become regular fixtures at the ASTM Committee D02 meetings.

David Smith, SWMA Secretary-Treasurer, reports that 137 people have paid their dues for 1997-1998. If you

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SOUTH CAROLINA

We are in the process of purchasing a new unit for the inspection of LP gas meters. Invitations for bids have been sent out for a complete unit mounted on a trailer. It will have both a 100 gallon prover and a 20 gallon prover. This unit will be in addition to the 100 gallon LP gas prover we presently have that is mounted on a pickup truck. The new unit with its 20 gallon prover will increase our efficiency inspecting the 3/4 inch meters used to fill smaller cylinders. Keeping our other unit will allow us to better respond to requests which are often in other parts of the state.

Also a new chassis has been ordered for our livestock scale test unit. The body and the knuckle boom crane on our present unit will be transferred to the new chassis. With the new chassis and the two new large vehicle scale test units we put in service in June, our equipment for testing large scales will be in excellent shape. Our two new large vehicle scale test units are operating very well, and our inspectors truly like using the weight carts.

Within the last couple of months we have conducted three training sessions on package inspection using NIST Handbook 133. The three sessions allowed us to have only 8 or 9 inspectors in each class. The smaller classes allowed much more hands-on type training to be accomplished. Some of our older field specialists had received training on Handbook 133 in the past, and this training served as a refresher course for them. However, we have ten new field specialist hired since the first of the year, and this was their formally classroom training on package inspection.

Carol P. Fulmer, SC Dept. of Agriculture ✠

TENNESSEE

We in Tennessee would like to thank Bill Brasher for assuming the position of Editor with SWMA.

There have been many changes in Tennessee since we last submitted information to the Newsletter. We unfortunately lost several valuable employees due to a reduction-in-force order placed in affect; however, the vast majority of these employees were able to transfer to other departments.

Effective July 1, 1997, we began statistically sampling retail fuel dispensers to be inspected. Much thought and planning was utilized in the development of this plan with a tremendous amount of assistance received from our USDA Statistical Services Office. The adoption of this plan places a greater burden on licensed service individuals and establishment owners/managers to assure dispensers are maintained in proper operating condition. We are in the process of developing a detailed Serviceman Registration Monitoring Program involving civil penalties if needed to assure compliance.

We were very fortunate that our legislature approved three (3) new laws that will replace existing laws. Our Weights and Measures Act, Public Weighmaster Act, and Serviceman Registration Act have been completely rewritten and reflect much of the current language found in H130. There are many positive changes in these laws; the most significant, we are now a NTEP state!

On the personnel side of things, we would like to welcome Teresa Graves as our new secretary. Teresa is a long time employee of this department and I am sure you will enjoy talking to her when you call. Ed Coleman was recently promoted to the position of Weights and Measures Supervisor with a large portion of his time being devoted to training and development of policies and procedures. Ed has attended several Instructor Training sessions at NIST and has conducted numerous training sessions for both our employees and industry. Mr. Jimmy Qualls, Weights and Measures Inspector in Middle TN, recently retired after many years of service. We have recently hired Mr. Charles Jackson to replace him. We would also like to welcome Mr. Jeff Cantrell and M. C. Bevis to our staff as Weights and Measures Inspectors.

We have recently had a new phone system installed which resulted in new phone numbers for our staff as follows:

Robert Williams	(615) 837-5109
Randy Jennings	(615) 837-5147
Ed Coleman	(615) 837-5145
Tom Smith	(615) 837-5159
Metrology Lab	(615) 937-5158
FAX	(615) 837-5015

TENNESSEE will be hosting the annual Southeast Measurement Assurance Program (SEMAP) the week of March 23, 1998, in Knoxville, Tennessee. A program syllabus has been sent to forty-two members of state and industrial laboratories in hopes of having a good turn out for the Process Measurement Assurance Program (PMAP) software training. PMAP training will be the main focus at all regional meetings this year. This training will provide a more uniform quality control process from state to state if implemented. We expect a good turn out from all states in the Southeastern United States and encourage all directors to support your laboratories in attendance at the regional meetings. There has been some interest expressed from the members of Caribbean Measurement Assurance Program (CAMAP) in attending and wish to invite any members of other regional assurance programs to attend. If you have questions about attendance at SEMAP, please contact Tom Smith at (615) 837-5159.

The capabilities of the laboratory will hopefully be increased this year if approved by OWM. We have applied for traceability in Mass II, Mass III, Length-Rigid Rule and Small Volume. There are some areas that we have not been able to offer the service for in the past and wish to let other state laboratories know to help ease their workload if needed. We appreciate all the help from our neighboring laboratories in being able to offer the service while we could not.

Tom Smith will be going to the Georgia Laboratory in January to receive training in the Grain Moisture Laboratory. These responsibilities have been turned over to Tom with the recent retirement of Cathryn Pittman. Tom would appreciate any help you may be able to offer in setting up a quality control program for the grain moisture laboratory. †

VIRGINIA

During the past several months the Virginia Weights and Measures program has been involved in an investigation and administrative action related to the installation of a vehicle scale extension kit. Our investigation to this point indicates that a scale company represented the sale of an extension kit that is in fact nothing more than a collection of salvaged parts from various used scales. An adminis-

trative hearing discovered the following inconsistencies related to the installation of the extension in question:

- The drawings provided by the service company are not consistent with the design of the original manufacturer for this model scale, nor are they representative of the actual alterations made to the scale.
- The extension of the scale in question was accomplished utilizing used parts from salvaged scales, which were represented as a “factory kit.”
- The parts used in the assembly of the extension are not consistent with the parts used in the extension kit design of the original manufacturer.
- Major components of the device have been altered from the original design or inappropriately substituted.

It was the ruling of the Administrative Hearing Officer that in order for the service agency to obtain approval for the modified device, it will be necessary for the service company to make additional modifications to the scale. Approval of this device will be withheld until such time as these modifications are completed in accordance with all the manufacturer’s specifications. It will be necessary for the service company to obtain prior approval of all plans for the additional modification of the scale. If necessary on-sight visits by the Weights and Measures authority will be conducted to assure that the work performed agrees with the plan approved by this agency. Any expenses for time and travel to the scale location will be the responsibility of the service company.

The decision of the Hearing Officer is being appealed. An Adjudicative Conference is now scheduled for late January 1998.

The progress achieved with this issue is due in large part to the considerable assistance has been received from Mr. David Quinn, Vice President of Service Operations for Fairbanks Scales. With Mr. Quinn’s assistance and the assistance of members of his staff, detailed comparisons have been developed that show the inconsistencies of the original design and the modifications made to the scale.†

West Virginia

The West Virginia Weights & Measures Law which passed in March 1994, resulted in the reorganization of the agency. This new law was based on the adoption of NIST Handbooks 44, 130, and 133, which provides West Virginia with a very solid legal infrastructure.

The program is divided into five basic areas, Administrative section, Scales and National Type Approval Program (NTEP), the Commodities Program, the Meters and Fuel Programs, and the Metrology Program, each administered by a coordinator. These coordinators are responsible to the W&M Director for the operation of all activities relating to their program. The Serviceman Registration and Citation Programs are managed by a member of the administrative staff.

West Virginia has fifty-five counties which have been divided into twelve areas each with an assigned inspector. The state is further divided into three regions each assigned a heavy capacity test unit and two regions each assigned a gasoline test unit.

Following is a brief synopsis of what we’ve been up to:

Scales & NTEP Program

Stephen Casto, Coordinator for the Scales and NTEP Programs, attended the first Instructor Training on NTEP conducted at the National Institute for Standards and Technology in Gaithersburg, Maryland. The course provided a history and insight into the NTEP process. The course also included visits to Maryland’s NTEP Laboratory and the Force Measurement Group at NIST.

During the week of November 3 through 7 a training class on livestock and animal scales was conducted in Weston, West Virginia. National Conference on Weights and Measures (NCWM) Course 204 was used as the text by the instructors, Byron School and Jesse Booth of the US Department of Agriculture, Grain Inspection, Packers and Stockyards Administration. Attending the class were state area inspectors, heavy capacity inspectors, and representatives of the P&SA offices in Bedford, Virginia.

We are awaiting the delivery of three new 25,000 pound heavy capacity test units in early spring which will replace our present old 20,000 pound units. Our current units are over 15 years old and have seen better days.

Fuels & Meters

Dennis Harrison, Coordinator for the Meters and Fuel Program, and several area inspectors recently conducted in-depth inspections of gas stations in the northern portion of the state. This resulted in the first criminal charges being leveled against an oil company under the fuel quality law.

During the past five months 465 samples of fuel, gasoline, diesel and kerosene, were taken from stations and distributors across the state. These resulted in seven octane

failures for gasoline, and two flash point failures for diesel. Ten violations for excessive water bottoms in storage tanks were also found. Area inspectors also document violations of the fire safety code which are reported to the State Fire Marshal for appropriate action.

A seminar was conducted in November in association with Kevin Jenson of Liquid Control, and Susan Koontz and Rodney Cooper of Schlumberger/Neptune, with members of our staff responsible for the inspection and testing of Liquefied Petroleum Gas (Propane). This gave our inspectors an opportunity to become familiar with the equipment and systems used by both companies and gain insight into future technological developments.

Commodities

William Cobb, Coordinator for the Commodities Program, has been conducting training with area inspectors in the Method of Sale and Package and Labeling provisions of Handbook 130 and package testing procedures in Handbook 133. This training has been conducted in the inspectors area stores. Several formal training classes are planned for the near future in our efforts toward uniformity of inspection procedures.

The Commodities Program recently obtained much needed equipment consisting of two complete sets of calibrated glassware and thermometers from NIST/OWM, two one gallon test measures purchased from Maryland Weights and Measures, and three new package checking scales. Further acquisitions, including more package testing scales, are planned to upgrade and standardize our equipment.

Metrology Program

Dan Mace, the State Metrologist, successfully completed his Intermediate Metrology Training at NIST in November. A high accuracy Mettler floor scale (5000 X.05 lb.) has been installed in the Measurement Laboratory and is presently used for certifying test buggies and large weights.

Dan is presently constructing a new large volume testing area in which test measures up to 2000 gallons can be certified, it will be operational in January 1998. A laboratory assistant, to help in the operation of the laboratory, and a new small electronic balance for the Small Mass Laboratory are due in the near future

Administration

Rose Long, Administrator of the Serviceman Registration Program and the Noncompliance/Citation Program,

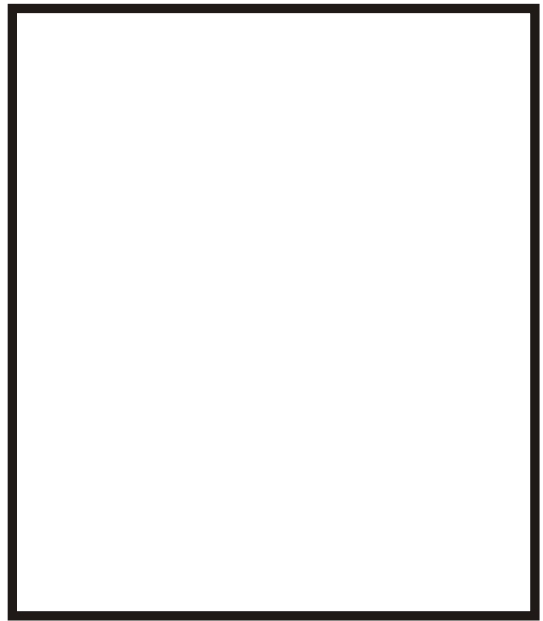
maintains records on 515 service companies. Of these companies, 182 with 230 technicians, are fully registered to do calibrations within West Virginia. This is an ongoing program which tracks changes in service technicians and assuring that each company has currently certified test equipment, security seals, and properly uses the required "Placed in Service" reports..

The Noncompliance/Citation Program involves processing the Notification of Noncompliance Reports and Citations issued by inspectors, sending out certified letters to violators each week, following up on their responses, making necessary notifications, and assisting in scheduling hearings. This year she has processed 437 Notifications of Noncompliance and 38 citations.

State Director Karl Angell will attend the NCWM meetings in San Antonio in January, 1998 as a member of the Laws & Regulations committee. According to Karl, the agenda for the Interim appears to be very full this year. †

**Photographs From
The SWMA Conference**







Note From The Editor

The Southern Weights and Measures Newsletter will be published in January, April, July, and October with the deadlines for submitting news December 20th, March 20th, June 20th, and September 20th. Anyone with news of interest to the Weights and Measures community may submit news, graphics or photographs for review by the Newsletter Committee.

News and other material may be submitted by mail, e-mail or fax. It would be appreciated if text could be submitted in electronic format through e-mail or computer disk. Photographs may be submitted in the form of prints, digital images, 35mm slides or 35mm negatives. The photographs in this publication are scanned images from color prints.

The Newsletter is and should be a flexible publication to meet the needs of the SWMA members, we would appreciate your comments and recommendations on content, format and quality. Suggestions and News may be submitted to:

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