



# Southern Weights & Measures Association

104th Edition

SWMA Newsletter

January 2006

## JURISDICTIONAL NEWS

### ARKANSAS

Rising fuel prices have made an impact on the petroleum industry in the state of Arkansas. Our agency anticipates a possibility of 30-50 stations dispensing ethanol-based fuels as well as an increase in those which handle bio-diesel products in this upcoming year. Our office has received an above average amount of complaints and questions concerning retail motor fuel dispensers also. The number of complaints concerning the sale and method of sale of firewood seems to be on the increase.

Our State Standards Laboratory has taken a significant step in assuring the safety of our metrologists. Handling 500 and 1000 pound weights in the lab has always been a concern. Structural integrity and construction costs prohibited the installment of a monorail system, so we have been relying on the use of hand dollies and a cantankerous crane system. Those days are behind us, we have recently purchased a light-duty industrial truck (or little forklift to us old timers). Our big question is why didn't we do this sooner?

The Bureau has recently hired Marika Hughes for Secretary II position, and will soon hopefully fill one of our metrologist positions in the near future.

Our agency was saddened to hear of the loss of former Investigator James McCoskey. James had recently retired from our agency after many of years of faithful service. ☩

### MARYLAND

We are pleased to announce that Inspector Aaron Webb was recently selected as the Maryland Department of Agriculture "Employee of the Quarters". Aaron truly deserved this award. Following is an article which appeared in the Maryland Department of Agriculture employee newsletter after Aaron received this award.

Last September, Aaron Webb celebrated 30 years of service to the State of Maryland. Before joining MDA in 1989, Aaron worked at the Department of Juvenile Services. As a general

inspector in the Weights and Measures Section, Aaron is responsible for ensuring the accuracy of gas pumps, small and medium scales, and vehicle tank meters in his jurisdiction of Baltimore County. In addition to his inspection duties, he also processes grain samples of barley, wheat, corn and soybeans, which are collected during harvest times. In recognition of his hard work and dedication, Aaron was recently named MDA's Employee of the Quarter. Willie Wotthlie, Chief of the Weights and Measures Section, nominated Aaron because of his positive attitude, initiative, enthusiasm, professionalism, and tireless work ethic.

Aaron continues to show dedication to his work and a willingness to go above and beyond his required duties as a general inspector. Each year Aaron volunteers for the Open House and the State Fair and is willing to work on any day including weekends and holidays. Recently he saved the Weights and Measures Section over \$4,000 by taking on the task of repainting nine test units himself. This process took seven work days and involved cleaning, sanding, prepping and then painting all nine units.

After the painting project was completed, he was again asked to take on a special assignment which required him to travel to Montgomery County, and away from his normal district of Baltimore County, each day for three weeks. Aaron, along with other inspectors, went into this area and tested scales which had not been tested in over 18 months due to the retirement of an inspector. He took on this task with no questions except asking for directions to Gaithersburg and the Germantown area! Due to a shortage of personnel this year, Aaron was asked to collect grain samples for processing requiring travel all over the state. Again, no complaints were voiced and he compiled the best set of grain samples we have had in many years in no small part to his excellent communications with people in the grain industry.

Outside of the office, Aaron is an avid orchid grower and has been pursuing his hobby on and off for over 20 years. He is a member of the American Orchid Society and Maryland Orchid Society. Aaron shows his orchids at society competitions every month and at the outdoor garden show in Timonium and has won numerous blue ribbons. He has over 100 orchids growing in his home, in windows and under lights. In addition to his orchids, he has interests in outdoor plants and landscaping.

He and his wife Trudy, a general contractor, also fix up and remodel houses to sell them. He has two daughters, Tammi, 35, a Medicaid fraud inspector for the federal government and Alanah, 19, who attends Howard University on a lacrosse scholarship and is majoring in biology with the goal of becoming an anesthesiologist

Along with his colleagues in the Weights and Measures section, Aaron works to protect both consumers and businesses in Maryland by ensuring equity in the marketplace. As a general inspector about 60% of his work involves inspecting gas pumps; 25% inspecting scales, and the rest of his workload involves inspecting anything sold to consumers measured by weight, volume or count. There are over 42,000 gas pumps in the State of Maryland, with 5,700 in Baltimore County; and over 14,000 small scales in the State, with 2,000 in Baltimore County.

The following members of our staff were presented with service awards during a ceremony at MDA Headquarters on October 6, 2005: Inspector Aaron Webb-30 years; Chief Will Wotthlie-25 years; Metrologist Steve Barry and Inspector Rick Bristow-15 years; Laboratory Technician Joe Hyla and Inspector Leila Smith-10 years.

On December 8, 2005, we had a staff meeting at our facility in Annapolis. Certificates of Appreciation were given to Inspectors Chuck Coleman, Barbara Miller, Ed Santana and Leila Smith for inspecting the highest number of devices and/or having the highest overall production during the last six monthly periods. An award "day off" was given to Inspector Chuck Coleman for having the highest overall production during the last six month period and Inspector Leila Smith who inspected the highest number of devices during the last six month period. Several (20) members of the Maryland Department of Agriculture administrative staff joined our staff for lunch. We invited retired members of our staff to join us and were pleased that former Chief Lacy DeGrange, former Metrologist Charles Stockman, former Program Manager Dick Shockley, former Inspector Jim Decker and former secretary Joan Forsythe attended.

### **Civil Penalties**

On October 7, 2005, we received \$2,000 for a civil penalty assessed against Giant Food #338, Accokeek, MD. The civil penalty was assessed due to short weigh violations found during routine package inspections performed at the establishment. This establishment previously received a civil penalty on December 22, 2003.

On November 22, 2005, we received \$2,000 for a civil penalty assessed against Giant Food #338, Accokeek, MD. The civil penalty was assessed due to short weight violations found during a routine package inspection performed at the establishment on October 12, 2005. The establishment previously received civil penalties on December 22, 2003 and September 22, 2005.

On November 22, 2005, we received \$750 for a civil penalty assessed against Giant Food #359, California, MD. The civil

penalty was assessed due to short weight violations found during routine package inspections performed at the establishment.

On November 30, 2005, we received \$150 for a civil penalty assessed against the Crab Shanty, Ellicott City, MD. The civil penalty was assessed due to short weight violations found during test purchases performed at the establishment. The test purchases were performed in response to a consumer complaint.

We currently have five additional civil penalties pending against other establishments for violations found during package inspections. ✪

### **NORTH CAROLINA**

Our exhibit at the NC State Fair was very successful this year thanks to an excellent grain moisture display and a motor fuel dispenser lent to us by Gilbarco, Inc., Greensboro, NC. We'd like to thank Gordon Johnson and the other folks at Gilbarco who provided this attention-grabbing, working demonstration pump. The grain moisture display was put together by our grain moisture program supervisor, Cheryl Tew and her two inspectors, Joe Huntley and J.D. Ambrose. Van Hyder coordinated the set up and operation of the exhibit.

### **Motor Fuels**

Art Rupard, along with Dan Moenter of Marathon Petroleum, gave a presentation concerning North Carolina's legislation banning MTBE as a gasoline additive at SWMA's November meeting in Nashville, TN. The N.C Dept. of Agriculture and N.C. Dept. of Environment and Natural Resources have been tasked to study the feasibility of the ban which would allow a maximum of 0.5% MTBE in gasoline. Both speakers stressed the importance of developing a regional approach to the ban by involving other states as well as an organized transition to the fuel for production and distribution reasons.

In December, Steve Benjamin and Art Rupard attended the ASTM meeting in Norfolk, VA. Many of the meetings concerned the development of specifications and test methods for biodiesel. We are currently planning to acquire an automated instrument that is capable of determining the flash point of biodiesel samples. This past year has seen a handful of retail locations offer biodiesel or biodiesel blends. We also had many phone calls interested in biodiesel and ethanol blends after the hurricanes in the gulf disrupted fuel supplies in the Southeast.

For the year, we have cataloged three hundred and sixty-six complaints or requests. Responding to complaints and requests has become an increasing part of our workload.

### **LP-Gas**

Richard Fredenburg, LP-Gas Engineer, participated in the National Propane Gas Association Technology and Standards (T&S) Committee meeting in Cincinnati in October. This body looks at new technology and how to incorporate it into the codes affecting the LP-Gas industry.

During the State Fair in October, LP-Gas Inspectors looked at the propane installations of just over 200 vendors, using the propane mostly to prepare food. Each of these vendors was inspected each of the ten days of the fair. There were a few violations found, but most of them involved placement of the tanks and were addressed before the fair opened.

## Standards Lab

Bob Albright retired for sunnier and sandier Myrtle Beach where he hopes to work part time at one of the area golf courses. Rather than seeking greener pastures, he's looking for greener greens! We wish him every success in this dedicated effort to avoid those high dollar green fees.

So far there have been few complaints about our higher fees, test measure and prover calibration fees, and new scale technician registration fees that took effect September 1, 2005. Most of the customers who have complained, have been understanding when the need for increases (primarily to prevent decreases in service) has been explained to them. This was the first time our fees have increased since they were implemented in 1992. We are striving to provide better service to all to ensure that our calibration services continue to be a real bargain.

We decreased the calibration interval requirements for large volume provers from every five years to every three years in agreement with NIST Handbook 105-3 recommendations. Consequently, the number of prover calibrations scheduled has increased. Five gallon test measures used by registered petroleum device technicians continue to have to be tested annually.

Despite record gas prices and an exhausted fuel budget, during the first two weeks in October, we traveled to five different locations in the State to calibrate five gallon test measures again this year. The amount of fuel we used to make the trip was a small fraction of what would have been used by our customers to bring the 400+ test measures to the lab for calibration.

## Weights and Measures

2005 is coming to an end. We have had a pretty productive year with our inspectors completing 17,399 inspection visits along with 1,215 complaints or special requests. Considering we have been short staffed by an average of three inspectors for the year, I think our numbers speak well of the work our guys have completed for the year.

- 95,735 dispensers were tested, of which 8,495 were rejected with a rejection rate of 8.87%.
- 2,078 VTM, rack and terminal meters were tested with 259 out of tolerance, a rejection rate of 12.46%.
- 27,678 scales were inspected. 2,517 were taken out of service for a rejection of 9.09%.
- 1,839 scanning inspections were conducted with 211 exceeding the allowable 2% overcharge error rate, for an 11.47% failure rate.

- 3,018,153 packages were tested for correct net content and labeling. 271,694 were taken off sale for a rejection rate of 9.45%.

We would also like to welcome 2 new gas and oil inspectors this quarter. Edward Smith (Greensboro) and Mark Dutton (Charlotte) operate some of our multi-product trucks and are responsible for fuel dispenser accuracy inspections in their respective areas. 🍀

## WEST VIRGINIA

We in West Virginia Weights and Measures would like to take a minute and wish all the members of the Southern Weights and Measures Association a belated Merry Christmas and a Happy New Year, and to hope that during the upcoming year we all become fully manned, fully trained, and fully funded. Yes, we *are full of it...., hope that is.....*

2005 was a pretty hectic year for West Virginia Weights and Measures, but under the guidance of John Junkins our Director, we have made some real improvements during the year.

In early December, after many years, our field inspectors and specialists were given new laptop computers and portable printers for use in conducting inspections, and preparing their administrative work. Although we had hopes of obtaining WinWam, present funding didn't allow for that additional expense, so our present inspection reports were translated into Microsoft Excel, and now inspectors can use computer generated forms to document inspections. At the same time inspectors were given training in the use of the computers, and in using the forms. After some initial hesitation the inspectors have adapted, and are having no major difficulties using the new procedures. Office personnel feel the new typewritten forms are much easier to read, and will eliminate errors caused by having to translate inspectors handwriting.

Within the past few months we have been able to post and fill several vacant field inspector and specialist positions. Brian Forron has been hired as an area inspector in the Northern Region, and is presently undergoing a period of basic training. The Northern Fuel Specialist position has been filled by Dan Simmons, who was an Area Inspector. The Southern Fuel Specialist position has been filled effective mid-January, and with Victor Zamora, the Central Fuel Specialist, this will give us three full-time fuel inspection specialists.

The Southern Heavy Test Unit operators position was filled by Darrell Roher, and he is presently undergoing on the job training with the Central Heavy Test Unit operator, Dave Hopkins, with Bruce Boudman operating the Northern Unit this will give us three full time Heavy Test Units.

Hopefully this will free the area inspectors time and allow for more super market and commodity inspections.

We have received final approval from the state personnel office for filling one area inspectors position in the Southern Region. This will leave us with two area inspectors positions open, one in the center of the state, and one in the Eastern Panhandle Area, (Martinsburg, Harper's Ferry) which has been difficult to keep filled over the years. So if you have a redheaded

stepchild who needs a job and, is willing to move, we may be able to work something out.

We are trying to obtain new vehicles for the field staff. The present vehicles all have mileage in excess of 100,000 miles, and are spending considerable time in the shop. The expense of repairs and the inconvenience of the downtime are becoming a fact of life.

We have a staff that is historically dedicated to protecting the citizens of West Virginia, and plan on maintaining the present level of enforcement while striving to improve our program, training, and efficiency in order to provide the protection that the public expects and we know they deserve. †

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**The SWMA Newsletter is published quarterly.**

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