



Southern Weights & Measures Association

90th Edition

SWMA Newsletter

July 2002

Weighing Practice Causing Structural Damage to Scales

From: Virginia Department of Agriculture and Consumer Services, Office of Product and Industry Standards

State Weights and Measures Inspectors have started to experience a rise in the number of vehicle scales being rejected. The scales most effected in this increase are used to sell road materials and similar products. What is the cause for the increase in the rejection rate? We believe to a large extent, the increase in the number of rejections can be attributed to the manner trucks are being weighed. Scales used to weigh road materials have always had a high rejection rate because of the number of vehicles being weighed, the amount of load and the fact drivers come on to the scale at relatively high speeds and lock their brakes. Weights and Measures are now observing trucks with drop or tag axles being weighed in a raised position. Because of the truck's configuration, they have been able to increase their loads by 15 to 20 tons. Here in lies the problem. These trucks are being weighed with their axles in a raised position and this practice is causing undue stress on the scale.

A vehicle scale is designed the same as a bridge. In fact, the highway bridge formula is used when designing scales used to weigh legal for highway vehicles. This formula determines the concentrated load and total scale capacity. When trucks with drop axles are weighed with the axles in a raised position, the truck exceeds the design capacity of the scale. By doing so, it causes structural damage to the scale the same as if the vehicle was on a highway. While the vehicles are weighed with the axles in the raised position, the axles are dropped before going on to a state maintained road.

This practice is not something Weights and Measures Inspectors can regulate. The purpose of this article is to educate scale owners and operators of how this weighing practice may be causing unnecessary damage to their scales and therefore unnecessary cost in repairs.

G. Weston Diggs

Program Supervisor

Office of Product and Industry Standards

SWMA NEWS FROM THE PAST

Bob Eaves, Historian

- Mr. William H. Ising, Jr., Chief Inspector of the Louisville, Kentucky Division of Weights and Measures reported that during March 1952, a London Kentucky man claimed a delivery of straw to a barn in Churchill Downs weighed 8,885 lbs. when it was found to weigh only 5,440 lbs. The vendor was tried in municipal court and fined \$25.00.
- In the July 1959 edition of the SWMA Newsletter, Dick Cord, Sealer, Weights & Measures, Prince George's County Maryland, reported that during 1958, his agency (which consists of one sealer and an assistant) inspected: 898 small capacity scales (287 found incorrect), 140 large capacity scales (48 found incorrect), 1,866 gasoline pumps (358 found incorrect), 29 kerosene pumps (6 found incorrect), 52 fuel oil trucks (21 found incorrect), 7 bulk meters (3 found incorrect), 355 oil jars (32 found incorrect), 199 avoirdupois weights (9 found incorrect), 2,532 packages fo meat (1,003 found incorrect) and 2,857 packages of produce (586 found incorrect).
- The First National Seminar on grain moisture determinations was held in Georgia during September, 1979. The seminar was a joint effort of the National Task Force on Grain Measurement Assurance, The National Bureau of Standards Office of Weights and Measures and was hosted by the Georgia Dept. of Agriculture's Weights and Measures Laboratory. ☞

SWMA Web Site

Have you checked the SWMA.org web site lately? Our site has been reconstructed and we are back on line. The site hit counter reveals that about 1100 people have visited the site since we went back on line bringing the total visits to around 10,000. We hope you will visit the site soon.

A new "State Links" page has been added to the site. By accessing this page you can go directly to the Member State's Department of Agriculture web site. Most of the States have links and we have requested addresses for the remainder.

Please use the "Reply Page" to ask questions or provide your comments, concerns or suggestions directly to SWMA. Each reply will be forwarded to the appropriate person for a response. Please let us know if you would like to see additional information or other changes to the web site. ☩

It is our understanding that our neighboring States are beginning to inspect for the antibiotic also. ☩

JURISDICTIONAL NEWS

Georgia

Curt Williams attended the June 2002 ASTM International D2 Committee Meeting on Petroleum Products held in Montreal, Canada. Two items of interest: the Driveability Index ballot failed as did the ballot to equate 40 Cetane Number to 42.5 Cetane Index.

Our congratulations go to David Smith. David was nominated to serve as Vice Chairman of the ASTM Board of Directors for 2003 and 2004. The fuel lab has just received a Herzog P/M Flash Tester model HFP 360. The lab will be participating in two research studies this year. One is to compare ASTM test method D5191 Vapor Pressure with the D6378 Vapor Pressure Method as well as establish test precision for D6378.

The other will be a new test method to test for particulate contamination in gasoline using Emcee apparatus.

Jerry Flanders, Director, Fuel & Measures Division, Georgia Department of Agriculture and Marnie Pound, Supervisor, will be attending the 87th Annual NCWM Conference, July 14-18, 2002 in Cincinnati, OH.

Georgia Department of Agriculture would like to extend our Best Wishes to Ron Murdock on his forthcoming retirement and would like to thank him for his help over the years. ☩

LOUISIANA

Weights and Measures Inspectors have been very busy performing package inspections recently, specifically concentrating on crawfish and shrimp from China. The antibiotic chloramphenicol, which the FDA has restricted for use in humans and banned in animals used in food production, has been detected in some of these products. Chloramphenicol is known to cause adverse health effects in humans. The Chinese are known to use antibiotics, such as chloramphenicol in farm-raised shrimp.

The European Union, in January of this year, banned the import of shrimp and crawfish from China because chloramphenicol had been found in those products. Canada has also banned the import of shrimp and crawfish that contain the antibiotic.

Louisiana's methodology is to place Stop Orders on these products where they are found - cold storage facilities, distribution centers and retail outlets, until the owner of the product can confirm through laboratory analysis that the product is free of chloramphenicol. Results are then randomly verified in Louisiana's Ag Chemistry Laboratory. Initially, we issued Stop Orders for two million pounds of Chinese crawfish and shrimp.

MARYLAND

- We regretfully report that Dick Cord, former Chief Sealer for the Prince Georges County, Maryland Weights & Measures Office, passed away on May 30, 2002.

- Maryland enforces the safety requirement that all propane cylinders be equipped with a OPD (overfilling prevention device) valve. (This requirement became effective on April 1, 2002). In response to questions from consumers about these new valves, and other matters relating to propane, Program Managers Dick Shockley and Bob Eaves visited a propane cylinder filling facility in Pennsylvania during June 2002. An inspection of the tare weight of propane cylinders equipped with new OPD valves found that the actual tare weights differed from the stamped tare weight by amounts ranging from -.3 lb. to +.7 lb. This is interesting, considering that the net weight declaration on cylinders filled at this location is 17 lb., and the MAV for 17 lb. is .28 lb. The OPD valves have a special float which rises during refilling to block the filling when the tank is 80% full (which prevents overfilling of cylinders and allows room for the liquid propane to expand). With these new valves, it is not possible to fill cylinders anymore with 20 lb., and most propane exchange locations now have cylinders with a net weight declaration of 17 lb.

- On June 6, 2002, we had a staff meeting at our facility in Annapolis complete with a cook-out for lunch which was enjoyed by all. Lab Technician Joe Hyla did an excellent job preparing hamburgers, hot dogs, sausages, and "deer" dogs on the grill. Certificates of Appreciation were presented to inspectors who inspected the highest number of devices, and had the highest overall production rating during the last six monthly periods. Award "days off" were given to Inspectors Barbara Miller and Ed Santana who had the highest rating in these categories during the last six month period, and Mike Frailer and Chuck Coleman who had the highest rating in these categories during the last twelve month period. The certificates and award "days off" were presented by Maryland Department of Agriculture Assistant Secretary Robert Halman.

- The 2002 NTEP Laboratory meeting was held in Albany, New York from June 9-12. The meeting was attended by Richard Wotthlie, Jim Price, and Andrea Buie of Maryland's NTEP laboratory. The meeting included a simulated vehicle scale evaluation, and training on ISO Guide 17025.

RECENT CIVIL PENALTIES AND COURT ACTIVITIES

- On March 7, 2002, we received \$500.00 for a civil penalty assessed against Acme #6740, Easton, MD. The civil penalty was assessed due to short-weight and labeling violations found during routine package inspections performed at the establishment. ☩

MISSISSIPPI

WEIGHTS AND MEASURES DIVISION

The Mississippi Weights and Measures jurisdiction has very little news to report at this time. We have been concentrating most of our efforts on furnishing the Metrology Laboratory. We are looking forward to the day when the last Balance is set in place and John Sullivan can begin working toward certification. It is our desire to be fully operational by December 2002.

We are also preparing for the National Conference Annual Meeting in Ohio, next month. Julie McLemore, Bureau Director and John Sullivan, State Metrologist will be joining me for this year's meeting. We are looking forward to seeing you all there! ☪

NORTH CAROLINA

The budget fog has not cleared since the last newsletter. In the last newsletter it was reported that the department had been directed to prepare cuts amounting to 13% of its appropriated budget. It now looks like the cut will be a smaller, if you can call 8-10% a small cut. As of June 14 the State Senate had not taken up the budget, although subcommittees had reported amounts to be cut. Once the Senate adopts a budget, it will go to the House for their consideration. Any differences must be settled through a conference committee with the Senate and House voting to accept the compromise. We don't know when a budget for 2002-03 will be enacted.

Regardless of when we get a budget, the department will have fewer positions and much less money. Some divisions have not been cut that much, but others have been hit hard. It looks like the Standards Division will escape with minor damage. A couple of vacant positions and some operating money will be lost.

Throughout the department employee morale is low. Many employees are being expected to assume the duties of more than one position, there is no talk of a pay increase, promotions and reclassifications have been frozen, and a premium increase in the state health plan is likely. Adding to the morale problem is the distribution of reduction in force notices that have just gone out throughout state government. It's a mess and many economists don't forecast an improvement in state revenues for at least a couple of years. Stay tuned for more.

The measurement section has been moving along as well as can be expected since "frozen" positions and other budget reductions have met us head on. Safety issues and selected equipment items always have a high priority. The purchasing of work safety and health items are one of the few things that have not been greatly effected by the budget reductions. Even then, only the number of items that are needed for the moment can be requested. The section will continue to move forward as best it can during the new fiscal year.

The Standards inspectors are spread thin due to vacant positions but are doing a good job getting around as more work comes their way. Even in these austere economic times, new stores and retail fuel stations are continuing to open in many regions of the state. The price of gasoline continues to fluctuate as

situations in the Middle East change. As this article is submitted for print, NC prices are on the way up. The section is beginning to see an increase in consumer complaints concerning how much it takes to fill the vehicle's tank. Staff give these issues high priority so inspectors are doing some backtracking to investigate.

The Measurement Section now has one new Dodge replacement cab and chassis. This vehicle is waiting for the next multi-product dispenser test unit body. The conversion will have to wait until after July 1. Even with the budget restrictions, the section was able to put five new Ford Rangers on the road for the weights and measures inspectors. Many good things come from prior planning.

Ron is getting ready for the conference meeting in Cincinnati, Ohio. The conference is only a few days away and he hopes you will be able to join him in Cincinnati. As soon as the meeting is over and Ron is back home, we will be losing him to retirement. It's been a productive 30 years and we will miss Ron's expert opinion on weights and measures throughout North Carolina. We hope Ron enjoys his retirement.

The Motor Fuels lab has been gearing up and checking over everything for an upcoming state OSHA Consulting Inspection. North Carolina has an OSHA program within the NC Department Labor modeled after the federal program. The lab will have thirty days after the inspection to correct any discrepancies found. This type of inspection can occur when a state agency or NC company requests assistance from the NC Department of Labor. However the request for assistance was not made entirely without pressure. Due to the accidents rates in the department in 2000, OSHA notified the department that certain operations would be subject to inspection and they offered their consulting services in lieu of an unannounced inspection.

Due to budget restrictions, the section is still operating with an open fuel chemist position in the Jacksonville area. The work in this eleven county territory has been divided between three other fuel chemists and their supervisor.

The Metrology Laboratory continues to deal with a large volume of work even with the budget reductions. Some equipment purchases have been delayed but the lab has been fortunate to maintain a full staff. This really helps with the workload. The staff has performed well in testing all of the field inspectors' equipment in record time. A new tolerance test program developed by Susan Myrick, the laboratory's application analyst, has significantly improved efficiency. This has allowed the lab to test up to four inspectors' weights each day and still get them out the door with all certificates by mid day. The inspectors helped by taking good care of their equipment and having everything that was needed when they arrived. The staff really enjoyed their visits and commiserating about the budget.

Ron and LF will be going to NCWM annual meeting in Cincinnati. Looks like the metrologists attendance will be down significantly this year due to widespread budget problems. That is a disappointment since the metrologist participation has slowly increased in recent years to the benefit of both the NCWM and the State Laboratory Program. Hopefully this year

will be a temporary setback and attendance will recover as budgets improve.

The laboratory had two 1 kg standards recalibrated by NIST and these will be picked up probably as this goes to print. This is a significant piece of the laboratory's mass NIST traceability and is illustrated in the traceability flow charts that the lab has developed for NIST OWM and NVLAP. These flow charts are a real asset in explaining the path of traceability to customers and as reminders of what standards need calibration when. This has been extra work for the staff, but as usual, the charts have proven to be good things to have. Thanks go out to Georgia Harris for all her assistance.

In conjunction with the traceability flow charts, Susan Myrick and Cliff Murray have developed an MS Access application to track standard and environmental instrumentation calibration needs. Also, an accredited laboratory recently calibrated the laboratory's primary environmental measurement devices. These devices have now been used to calibrate all of the secondary environmental measurement devices such as the laboratory's chart recorders.

Cheryl Tew and the inspectors in the Grain Moisture Meter program have been collecting and cleaning wheat to be used as grain moisture samples. The wheat quality was not the best this year but was not as bad as originally predicted. If the state does not get some rain soon, the corn crop will be another issue that has to be dealt with.

The laboratory added flashing lights to warn of the need for safety glasses in the large mass laboratory. Now instead of having to go around to every door to put up warning signs when weights are being adjusted, the metrologists can flip one switch within easy reach of the weight adjustment table to warn people to wear safety glasses.

The LP-Gas Truck inspection program continues to have a vacancy for a truck inspector. The announcement closed recently so the section expects to begin the interview process soon. A more formal training outline will be developed prior to hiring. This will help both trainers and candidates review progress during the training experience.

The big propane news item now concerns the new requirements for having an overfill prevention device (OPD) before a grill cylinder can be filled. A severe shortage of OPDs is making the goal of this requirement harder to accomplish. Because of the shortage, the division is looking for ways to work with the industry so that this important safety requirement is met.

Another issue that inspectors are seeing concerns LP-Gas delivery hoses that are too long to meet code. The LP-Gas Code specifies that the hose can be no longer than 18 feet. The authority having jurisdiction may allow longer hoses. The division continues to inform the industry of the requirement and has specified a formal process for requesting such a change.

South Carolina

After 40 years of dedicated and loyal service to the South Carolina Department of Agriculture and the citizens of South Carolina, John V. Pugh, Director of our Metrology Laboratory is retiring July 1, 2002. John began his career with the Department as a weights and measures field inspector on July 1, 1962. In 1967 he was promoted and moved into the office in Columbia to serve as an assistant to the director of the Consumer Services Division. When South Carolina received its standards and other equipment from the federal government, John became Director of our Metrology Lab, which opened in March 1972. He has served as our State Metrologist for the past 30 years. For many years, he has been a member of the NCWM, SWMA, ISWM and SEMAP. His 40-year career with the Department has all been in weights and measures. We wish him a long and enjoyable retirement. However, his knowledge and years of experience will be missed. We are fortunate to have two other qualified personnel, Billy Kennington and Robert McGee, to carry on the work in our Metrology Lab.

Attempts to off set recent budget reductions and secure adequate funding for our Weights and Measures Program did not survive the legislative process. Neither registration fees for commercial weighing and measuring devices or fees for calibrations performed in our Metrology Lab, both of which had been proposed by the Department, were approved by the legislature. A proviso in the budget for next fiscal year does require the Department to charge a \$25.00 fee for the registration of repairpersons of weighing and measuring devices with the money being used to off set the expense of that program. At the present time, the Consumer Services Division has two vacancies in its weights and measures program that have not been filled due to budget restraints. These two vacancies and any others that occur will most likely go unfilled for the entire next fiscal year, which begins July 1st. Budget reductions will also deter the purchase of any new equipment or vehicles and restrict travel. ♣

VIRGINIA

In Virginia, we have been made aware of a billing practice in the apartment rental industry that we believe violates our weights and measures law. The practice involves the billing of apartment tenants for water based on measurement from a single meter. The method allows the apartment complex to recover its cost for water except for an amount designated for common usage.

How does this work? The apartment complex receives a water bill from the city or county that supplies its water. The complex sends the bill to a billing company. When the billing company receives the bill, it first makes a deduction for common water usage. Water for common usage is an estimated amount that may include maintenance of grounds, swimming pools and laundry facilities. Next, they divide the remaining

amount of water by the number of apartments in the complex. The tenant's bill is determined by multiplying the result by the number of tenants (as recorded on the lease) in each apartment. The bill to the tenant only indicates a dollar amount and does not indicate a measure in terms of cubic feet or gallons.

What is the problem? This billing practice came to light as a result of a consumer complaint filed with our office in December 2001. Since then we have received five complaints related to apartment water billing. The Virginia Corporation Commission historically regulates utilities and has a provision in their regulation for sub-metering. However, the Corporation Commission does not regulate third party billing and there is no sub-meter involved in this case. The Virginia Weights and Measures Law requires liquids to be sold by measure, but in this instance the amount of the bill is determined by the number of residents in each apartment. The tenants have no way of controlling the amount of their bill each month. If they were out of their apartment for the month, their bill would be the same as if they had been in residence. How accurate is the apartment management's count on the number of tenants in each apartment?

In most instances, the tenant has signed an addendum to their lease agreeing to this billing practice. However, our Office of the Attorney General has ruled that you cannot enter into a contract that circumvents the law. Last week a tenant was taken to court for non-payment of a water bill. The judge hearing the case had many of the same concerns and continued the case telling the tenant to bring as many tenants to court as she could.

According to the Virginia Apartment Management Association, this is a very common billing practice and if not challenged, will continue to grow as the cost of water and sewage increases. What's going on in your jurisdiction? ☛

WEST VIRGINIA

It has been a very eventful first half of 2002 here in the magnificent hills of Wild and Wonderful West Virginia, and I'll try and catch you up with what we have been doing the past few months.

West Virginia Weights and Measures held its annual section meeting at the St. Albans Headquarters in February. The Weights and Measures Section is administered by the West Virginia Division of Labor, and Commissioner James Lewis attended the meeting, and gave an informal talk concerning the status of the Division of Labor and the relationships between its various sections. He again stated his support of the weights and measures program, especially the field inspectors, their support staff, and pledged to provide continuing service and protection to the citizens of West Virginia. Commissioner Lewis presented service awards to several members of the section, including: Bill Cobb, 20 Years Service,

During the following meeting Karl Angel, the director, placed special emphasis upon insuring all inspectors were current in their understanding of the section's policies and operating procedures. In order to accomplish this a concerted effort was made by Program Coordinator's, Steve Casto, Dennis Har-

ison, and Bill Cobb to review, revise and when necessary re-write all policies pertaining to their specific programs. This was accomplished and each inspector was furnished with a new and current policy manual at the meeting. The director and coordinator's then reviewed each policy contained in the manual, making sure each inspector was familiar with it, and any changes made to the policy.

In March, Steve Casto spent a week in Madison Wisconsin where he conducted a training class in propane testing for Wisconsin Weights and Measures. He phoned and said he was really enjoying the weather, especially the days when the wind chill index was -25 degrees. He said that if it gets much colder he won't have to worry about temperature correction.

Bill Cobb and Steve Casto attended the NCWM Interim Meeting in Bethesda Maryland.

Early one February morning Inspectors Lemuel Jones and Pete Conard stopped at a gas station where they noticed a parked vehicle with its engine running and a man, either asleep or ill, setting in it. Thinking the person might be sick, or possibly overcome with exhaust fumes, they walked over to the vehicle. When they got up to the vehicle they saw a handgun lying on the seat beside the man. They stopped, backed away and used their cell phone to notify the police. When the police arrived they removed the man from the vehicle and confiscated the handgun. A search of the vehicle revealed a large amount of money and drugs. The man was identified as a wanted felon with several outstanding felony arrest warrants. Lemuel and Pete were presented with certificates of appreciation by the local sheriff's department.

In April, Karl Angell initiated a complete operational revision of the Weights and Measures Section. Since reorganization in 1994 the section had been operating under a Program Coordinator System in which weights and measures operations were divided into three areas, Scales, Fuels and Meters, and Commodities. Each of these areas was administered by a Coordinator who handled all aspects of the specific area, including training for all the area inspectors. Any question relating to a specific area was handled by the responsible coordinator, this resulted in the same interpretation and enforcement level being applied by inspectors in all areas of the state. Administrative and supervisory functions were handled by the Director.

The main draw back to this system was that field inspectors sometimes had difficulty determining just who they were working for under certain circumstances, and close supervision became very difficult. Basic enforcement activities had become uniform across the state, with inspectors interpreting and applying handbooks and policies in the same manner. It was time to straighten out the administrative and supervisory problems that had developed over the preceding six years.

Under the new operations plan the state has been divided into three regions: the Northern (Bill Cobb), Central (Dennis Harrison), and Southern (Steve Casto) Regions. Each of these regions is supervised by a Chief Inspector who is responsible for all administrative, supervisory, and inspection activities of personnel within their assigned region and are in turn responsible to the Director. Also assigned to each region are: an Office As-

sistant, five Area Inspectors, one Heavy Test Unit Operator and one Fuel Specialist. This gives the field staff a solid established chain of command. It also allows the Chief Inspector to closely monitor and supervise the field activities and inspectors within their regions.

Lawrence "Larry" Barker, Sr., who was West Virginia Commissioner of Labor in the 1950's and 60's, passed away after a long illness on May 17th, 2002 at his home in Dunbar, West Virginia. Quite a character, Commissioner Barker took pride in relating that he was the only Commissioner fired twice from the same job by Governor Arch Moore. †

BOARD GOVERNANCE SEMINAR

The National Conference on Weights & Measures will be holding a Board Governance seminar in Cincinnati on Saturday, July 13, 2002 prior to the start of the Annual Conference. The seminar is being held for current Board members and Committee chairs. In addition, people who are interested in being future leaders are invited to attend. There is no charge to attend. The only cost that an attendee will incur is the additional night at the hotel. You must let the NCWM Headquarters office know that you are interested in attending. To register, please call 240-632-9454. †

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